

Final Report

**TECHNICAL ASSISTANCE FOR ELECTION
ADMINISTRATION
Approaches and Lessons Learned**

Contract No. AEP-5468-I-00-6006-00

July 1999

By:
MANAGEMENT SYSTEMS INTERNATIONAL

Written by:
Catherine Barnes
Franca Brilliant
Benjamin L. Crosby
Nicole Dannenberg
Terrence Lyons
Stephen B. Nix

**Submitted to:
USAID/G/DG**

Kkelly@msi-inc.com
MSI No. 3224-011

Inside Front Cover

Title Page

About This Publication

Contents

	Page
EXECUTIVE SUMMARY	1
I. INTRODUCTION	7
A. Purpose and Organization of The Paper	7
B. Democracy and Elections.....	7
C. Typology of Elections and the Importance of Context	9
D. USAID and Elections Assistance	12
II. THE LEGAL FRAMEWORK FOR ELECTIONS	17
A. Voting Rights	17
A. The Legal Framework.....	22
B. Lessons Learned and Best Practices	28
III. ELECTION MANAGEMENT AND ADMINISTRATION.....	31
A. Election Management	31
A. Voter Registration.....	43
B. Lessons Learned and Best Practices	49
IV. VOTER EDUCATION	51
A. Lessons Learned and Best Practices	61
V. THE HISTORY OF USAID ASSISTANCE.....	62
A. Overview of Mission Focus in the Democracy/Governance (D/G) Sector.....	62
VI. ELECTION OBSERVATION AND COMPLAINT RESOLUTION	66
A. Election Observation.....	66
B. Complaint Resolution	74
C. Lessons Learned and Best Practices	78
VII. CONCLUSION.....	80
A. Reflections on Programming.....	80
REFERENCES/BIBLIOGRAPHY	85

EXECUTIVE SUMMARY

Introduction and framework: Programs to promote democracy and governance have become an integral part of the strategy to support sustainable development by the United States Agency for International Development (USAID) and other like-minded donors. The purpose of this paper is to examine United States government assistance during the 1990s for election processes and practices. In order to sharpen what is an extremely broad undertaking, the paper is organized along two broad axes: first, we have broken down the substantive areas of elections assistance and practices roughly following the categorization of generally accepted international criteria. These include the legal framework for elections including protection and respect for human rights, voting rights and rule of law; elections management and development of voter registration systems; voter education; international and domestic election monitoring, and election law violations and resolution of disputes.

Second, the paper maintains a common framework. For each substantive area the paper discusses background to the assistance, context, and the approaches employed by USAID and its partner organizations in both developing and in implementing the activity. Distinctions are maintained throughout regarding whether the assistance is provided for breakthrough elections or for consolidating elections. In each of the substantive areas the technical assistance approaches are viewed through the twin lenses of legitimizing assistance and institutionalizing assistance. This was done because the criteria for success for legitimizing activities are quite different than those for institutionalizing activities.

Elections may be categorized by their context and principal purpose. Some elections serve as breakthrough elections that are designed to legitimize a regime change from autocratic, authoritarian, one-party, personal, or military regimes to a constitutional government based on civilian rule and competitive elections and marks a qualitative shift in how political power

is won and made legitimate. Subsequent elections may be understood as consolidation elections that serve to advance the process of democratization in a society that already has an elected government. Each type of election calls for different types of assistance. In breakthrough situations, assistance is typically designed to facilitate a free and fair election. Assistance programs to electoral commissions and high profile international observer missions may be appropriate tools to ensure the legitimacy of the winner and a smooth transition of power. Different types of assistance designed to build capacity and to encourage the sustainability of the process are likely to be more relevant to a consolidation election. The mix will vary according to the particular circumstances and no election is a pure “transitional” or “consolidation” election. Nonetheless, this typology provides a useful means of emphasizing the importance of context.

USAID democracy assistance has shifted over time. In the late 1980s and early 1990s, support for elections and election observation missions played a high profile role. In the middle 1990s, attention shifted to strengthening government institutions, particularly parliaments and judiciaries. In the middle to late 1990s, USAID’s democracy promotion programs have focused increasingly on the role civil society. In part, this shift reflects the movement from breakthrough elections to consolidation elections and a growing concern for the role and participation of citizens in civil society.

A key question regarding the implementation of electoral assistance is the broader, underlying objective(s) intended for the assistance. There appear to be two fundamental objectives: legitimizing (or political) objectives, and institutionalizing (or developmental) objectives. The former tends to be outcome driven while the latter are more concerned with process. Legitimizing objectives tend to *reflect the political interests* of the US Mission, and are frequently derived from a suspicion (not necessarily articulated) that the electoral process

is at serious risk of fraud or manipulation, and thus at risk of producing a tainted result. In general, institutionalizing types of activities are more *associated with the development interests* of the US Mission. These objectives tend to be more long term and stem from a concern with the need to strengthen electoral institutions that foster democracy rather than a suspicion that a particular election will be tainted. It should also be noted that there is an equal concern that sustainable capacity be developed since electoral assistance cannot and will not be provided indefinitely.

Assistance geared toward legitimizing objectives is generally short-term (less than one-year) and emphasizes activities to ensure the integrity of the process such as monitoring of pre-election and election processes, the training and deployment of domestic and international observers, and the provision of commodities such as ballot paper, ballot boxes, indelible ink, and logistical support (including vehicles and gasoline) for election authorities. Assistance aimed at institutional strengthening of the electoral process tends to be more long-term, i.e., one to two years or more, and emphasizes activities that enhance the capability of organizations that manage and implement elections, and might include: 1) expert assistance for revision of the electoral code, including drafting of new legislation; 2) assistance in the development and implementation of integrated civil and voter registration systems; 3) training-of-trainers for domestic observation; 4) assistance for the organizational development of the electoral commission including creation and implementation of management systems and the development of budgeting techniques; 5) training of judicial personnel in election-related dispute resolution; and 6) the development of permanent cadres of poll-workers.

Voting Rights and the legal framework of elections: Prominent observers argue that the right to vote has not always been as widely proclaimed as other fundamental human rights. An individual's right to vote must be reinforced and supplemented by other basic rights and freedoms such as freedom of opinion, expression, and association, and freedom from

fear and intimidation if elections are to be genuinely free and fair. Significant progress must be made in these areas if individuals and non-governmental organizations are to feel free to articulate their views and participate in public debate, if political parties and candidates are to have the opportunity to campaign and have their views covered equitably in the media.

A number of lessons and best practices can be drawn from USAID's extensive involvement in technical election assistance in the area of voting rights and legal frameworks:

- The development of codes of conduct in tense electoral environments has assisted in establishing accountability of political parties/candidates and election management bodies/election officials during the campaign.
- Last minute changes in the election law may be difficult to accommodate and might actually serve to undermine the integrity of the election process.
- Interventions combining external and internal pressures for reform can advance voting and other political rights and exert pressure for reform even in environments where regimes publicly maintain their opposition to democratization.
- Assistance for drafting fundamental legislation on voting rights can have a lasting impact on the development of political and electoral processes since all subsequent enabling legislation must uphold constitutional guarantees and comply with fundamental laws.
- Public hearings on election law reform tend to draw a broader and more diversified audience into the dialogue and builds momentum for action in support of specific reform proposals.
- Interventions aimed at codifying election law have helped eliminate contradictions

that undermine uniform and professional administration of elections.

- Where drafting or auditing of election legislation is politically sensitive, the use of comparative analyses which document the ramifications of similar legal provisions in other countries have been markedly effective.

Election management and voter registration:

The organization of credible elections is a highly complex undertaking requiring clear laws and procedures, detailed planning, efficient organization, complicated scheduling, intricate monitoring of activities, and meticulous execution. It is a political activity that must be above the political fray while remaining sensitive to the political processes at work within a country. USAID's technical assistance to election management bodies reveals a number of lessons and best practices, among them:

- Assistance in the development of election calendars is a relatively inexpensive intervention that can greatly improve the quality of planning and preparations for elections.
- Cascade training of poll workers/party agents is more effective in reaching large numbers of participants, building indigenous training capacities, and ensuring cultural appropriateness than direct training by foreign advisors – but it requires considerably more time to carry out than direct training activities.
- Application of modern technology contributes to the speed and transparency of results reporting and has served to increase public confidence in the legitimacy of results.
- Poll worker training programs and voter information informing the electorate of tangible efforts to improve the professionalism and integrity of election administration can effectively build public

confidence in the legitimacy of election results.

- Assistance to increase party access to voter lists, for monitoring the compilation of lists, and handling of related grievances have contributed to greater transparency and security of voter registration.
- Extended on-site presence facilitates mutual trust and constructive working relationships between advisors and election management officials. Prolonged presence enhances the viability of recommendations as a result of increased awareness of and sensitivity to underlying political, institutional, and logistical considerations.
- Assistance in strategic and operational planning can greatly enhance the professionalism, capabilities, and potential of the new or existing permanent election commissions. In contrast, the absence of assistance may contribute to weak and inefficient institutions that fail to fulfill either the letter or the intent of the law.
- Support of election manager international or regional networks is a cost-effective way to facilitate on-going training and skills development as well as experience sharing and dissemination of information on lessons learned and best practices.

Voter education: To ensure that voters are aware of their rights and responsibilities some form of voter education will usually be required. Particularly under new and evolving electoral systems, the electorate will need to be familiarized with the voting process both to better guarantee the validity of their ballot and to help them make informed decisions. USAID experience in the areas of voter information and education suggests that most assistance centers on legitimizing activity. Once past the legitimizing stage, activity switches to civic education.

- A combination of indirect and direct methods of voter information/education

appears to have a more comprehensive impact by both increasing awareness levels *and* affecting behavior.

- Market data can provide important insights to the ways in which target audiences receive and absorb information.
- Partnering with indigenous marketing firms or non-governmental organizations already familiar with local customs and target constituencies can greatly enhance the efficacy of voter information/education campaigns.
- Strategic partnerships between election management bodies and NGOs can offer access to state-owned media outlets often off limits to NGOs as well as more comprehensive and authoritative knowledge of the law. In turn, NGOs can provide the manpower and community connections necessary to conduct a comprehensive voter education campaigns..
- Assistance in forming strategic partnerships with the private sector can provide a source of alternative funding and enhanced expertise.
- Voter education assistance aimed at the previously excluded such as ethnic or religious minorities, refugees or internally displaced persons, or women, have proved essential to ensuring the legitimacy of electoral outcomes.
- Longer term voter education and mock election programs developed jointly by government agencies responsible for election management and education and related NGOs have been particularly successful in providing comprehensive instruction to young and first time voters through the secondary school and university systems.

Election observation and complaint

resolution: International or domestic observation is a method by which the efficiency,

transparency, professionalism, and integrity of campaigns and elections are judged. In advanced democracies, where the electoral process has earned public trust, multi-party election commissions are largely self-policing, and investigative journalism routes out corruption and abuse, election observation may be a redundant safeguard. In transitional societies, however, monitoring efforts by international organizations or domestic groups are often crucial to ensure a legitimate result. USAID's experience suggests the following lessons:

- Longer term observation leads to more comprehensive deterrence, accurate findings, viable recommendations, and institutional credibility. Media monitoring has become an increasingly effective means addressing media access and bias in election campaigns.
- Monitoring court cases involving process and results-oriented disputes improves compliance of voting and political rights. Pressure on and advice to election commissions regarding the handling of such cases can also enhance transparency, accountability, and rule of law.
- Accurate and professional parallel vote tabulations (PVTs) can confer greater legitimacy to election processes and their outcomes, but faulty methodology or manipulated data risks undermining legitimacy. Careful assessment of implementing organizations is required.
- Despite investments the abilities of domestic groups to lodge complaints with sound legal bases and sufficient documentation remain woefully inadequate. Short-comings have contributed to the failure of political parties and NGOs to successfully appeal grievances.
- Assistance to build the capacity of domestic monitoring organizations does not necessarily lead to sustainability. Organizations that include public advocacy and other “watch dog” functions *may* be

more viable. As political and electoral systems develop, political parties may replace NGOs as the primary monitors of electoral freeness and fairness. Renewed emphasis may need to be placed on building the training capacity of political parties in this area.

- Advice to election management bodies on the adjudication of grievances process is important for consolidating legal reform. Assistance in teaching election commissions how to respond to and manage complaints, reinforce institutional professionalism, accountability, and integrity, carry out fact-finding missions, fulfill a supervisory role, and develop constructive relationships with judicial bodies and investigators are particularly successful.

USAID's accumulated experience in electoral assistance provides an opportunity to better clarify assistance objectives, identify programming contexts, diversify and tailor assistance approaches, and apply lessons learned and best practices to future elections activities. The last section of this paper includes some reflections on programming which emerged from this effort's analytical exercise and represent potential approaches that might be considered logical "next steps" or new areas of engagement. Most focus on the challenges posed by the complex consolidation process.

- In the area of voting rights and legal framework of elections attention might be given to:
- Developing codes of conduct as a means of conducting peaceful elections in politically tense environments.
- Engaging public media outlets in encouraging implementation of legal guarantees, particularly as they pertain to political party or candidate rights to media access and non-biased reporting.

- Comprehensive evaluation of election systems and the creation of enduring legal frameworks.
- Providing assistance for more systematic and transparent processes of constituency limitation.
- Developing alternative approaches to more direct participation in political decision-making, such as referenda, plebiscites, or constituent assemblies.
- Assisting in the development of alternative dispute resolution procedures for election related complaints.

Election management assistance might address:

- Assistance in strategic planning and organizational development. This may be particularly pertinent where legal reforms have led to the creation of permanent election management bodies or redefinition of the responsibilities of existing election commissions.
- Support of professional associations at the regional or international levels to facilitate on-going experience sharing, training, and skills development.
- Opportunities to assist in the automation of voter registration systems or the introduction of continuous registries.
- Future assistance in voter education might include:
- Developing a greater synergy between voter education efforts and civic education activities such as programs on devolution of power and voter education programs for local elections.
- Assistance in building the capacity of non-governmental organizations to conduct issue advocacy and public policy development.

- Voter education activities to address the accountability of those just elected.
- The use of polling data, focus groups, and local marketing agencies to improve message development, targeting, and choice of media.
- Resources for building the capacity of parties and election management bodies which have a direct interest in voter education and greater prospects of sustainability.

In election observation and complaint resolution future efforts might address:

- Building the capacity of local NGOs and political parties for monitoring campaign period and post-election developments.
- Assistance for media monitoring during election campaigns. This also represents another opportunity for building the technical capabilities of local NGOs.
- Training journalists to better monitor, document, and highlight violations of campaign financing rules, conflicts of interests, abuse of office for overt political means, and other corrupt practices during election campaigns.

- Continued support to build capacity of local NGOs in the conduct of accurate PVTs.
- Strategic interventions timed to coincide with the amendment of existing legislation on the adoption of new laws on elections should ensure the inclusion of language recognizing the rights and enumerating the responsibilities of international election observation missions, domestic monitoring groups, and PVT and media monitoring outfits.
- Creation of an interface between electoral process programming and rule of law initiatives, such as those that strive to introduce specialized courts for election disputes, and training programs directed at judges presiding over election related cases.
- Increased training for political parties and NGOs to help them better lodge complaints with sound legal bases and sufficient documentation.
- Enhanced emphasis on adjudication of grievances as a component of on-site technical advising to election authorities.

I. INTRODUCTION

A. Purpose and Organization of The Paper

Free and fair elections which reflect the will of an informed citizenry are indispensable to a functioning democracy. New democracies and countries in transition often lack financial and human resources, experience with participatory processes, the institutional capacity to administer elections or organize political parties, to implement elections at the local level, effectively govern in a post-election environment or effect smooth political transitions.

Through over 500 political process assistance programs in over 65 countries between 1992 and 1998, USAID has focused on improving the administration of elections by providing a broad array of technical advice and key commodities based on in-country assessments of the electoral environment and a government's capacity to conduct elections that meet international standards for competition, participation, freeness and fairness. While USAID has been engaged in supporting political process activities for over a decade, there has been little effort to evaluate the Agency's political process assistance programs.

The purpose of this paper is to examine United States government assistance during the 1990s for election processes and practices. In order to sharpen what is an extremely broad undertaking, the paper is organized along two broad axes: first, we have broken down the substantive areas of elections assistance and practices roughly following the categorization of generally accepted international criteria.¹ Chapter two deals with the legal framework for elections including protection and respect for human rights, voting and political rights, and rule of law. Chapter three examines the problems of elections management and reviews assistance to election management bodies and the development of voter registration systems – one

of the primary activities of an election management organization. Chapter four is concerned with voter education assistance practices. And in Chapter five, we look at international and domestic election monitoring as well as complaints of election law violations and resolution of disputes. Since each chapter summarizes lessons learned and best practices, the conclusion does not provide an overall summary but focuses instead on possible avenues for future programming.

Throughout the substantive chapters two through five, the paper tries to maintain a common framework. For each substantive area the paper discusses background to the assistance, context, and the approaches employed by USAID and its partner organizations in both developing and in implementing the activity. Distinctions are maintained throughout regarding whether the assistance is provided for breakthrough elections or for consolidating elections. Finally, in each of the substantive areas the technical assistance approaches are viewed through the twin lenses of legitimizing assistance and institutionalizing assistance. This was done because the criteria for success for legitimizing activities are quite different than those for institutionalizing activities.

B. Democracy and Elections

Programs to promote democracy and governance have become an integral part of the strategy to support sustainable development by the United States Agency for International Development (USAID) and other like-minded donors. The connections between political institutions and economic performance gained prominence in the 1980s. They were led, in part, by the World Bank's agenda of encouraging "good governance" and were further advanced by the end of the Cold War. In a large number of countries, however, the most important impetus for democratization came from within, in the form of citizens' resistance to authoritarian governments and support of political and economic reform

The potential for democratization to develop out of the collapse of discredited authoritarian

¹ For example see the *Administration and Cost of Elections*, the Inter-Parliamentary Union, and USAID institutional partners.

regimes became clear in the mid-1970s with the transitions in Portugal, Spain, and Greece.² In the late 1980s, competitive elections represented an important mechanism for managing the shift from a number of military regimes in Latin America and served to replace authoritarian leaders in the Philippines and South Korea. Some identified this trend as a “third wave” of democracy.³ The pace accelerated in the early 1990s, with important elections taking place in Nicaragua, Namibia, Taiwan, Bulgaria, Poland, Czechoslovakia, and Hungary. The wave spread across Africa as elections took place in Benin, Zambia, and Mali. Not all elections resulted in easy transitions, of course, as the thwarted changes of government in Burma, Algeria, and Haiti demonstrated.

Democracies come in a range of forms and institutions. Nonetheless, political scientists have identified a number of fundamental characteristics of democracy. Martin Seymour Lipset distinguishes three core features:

First, competition exists for government positions, and fair elections for public office occur at regular intervals without the use of force and without excluding any social group. Second, citizens participate in selecting their leaders and forming policies. And, third, civil and political liberties exist to ensure the integrity of political competition and participation.⁴

Thus, competition, participation, and civil liberties form the basis of this definition. Another standard definition emphasizes accountability and holds that “modern political

democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives.”⁵ Note that the particular form of political institutions is not specified in these definitions and a variety of arrangements can support democracy. There is an extensive scholarly debate, for example, on whether presidential or parliamentary systems are most stable.⁶ In any event, both are capable of being democratic.

Elections form a critical component of democracy, serving as the necessary mechanism for citizens to participate, realize their choices, and to make their rulers accountable. Competitive, free, and fair elections become a necessary condition for a functional democracy but are not, by themselves, sufficient. A range of other conditions, including respect for the rule of law, the ability of civil society to operate freely, civilian control over the military, independent legislatures and courts, viable opposition parties, and a free press are also important.⁷

⁵Philippe C. Schmitter and Terry Lynn Karl, “What Democracy Is . . . And Is Not,” in Larry Diamond and Marc F. Plattner, eds., *The Global Resurgence of Democracy*, 2nd ed. (Baltimore, Md.: Johns Hopkins University Press, 1996), p. 50. The classic minimalist procedural definition by Joseph Schumpeter suggests that democracy is “that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote.” See Joseph Schumpeter, *Capitalism, Socialism and Democracy* (London: George Allen and Unwin, 1943), p. 269.

⁶Juan J. Linz, “The Perils of Presidentialism,” *Journal of Democracy* 1 (Winter 1990): 51-69 and “The Virtues of Parliamentarianism,” *Journal of Democracy* 1 (Fall 1990): 84-91.

⁷Some would add the need for a “civic culture” as another element of democracy while other scholars argue that civic culture is a product, not a producer, of democracy. See Philippe C. Schmitter and Terry Lynn Karl, “What Democracy Is . . . And Is Not,” in Larry Diamond and Marc F. Plattner, eds., *The Global Resurgence of Democracy*, 2nd ed. (Baltimore, Md.: Johns Hopkins University Press, 1996), p. 57.

²Guillermo O’Donnell, Philippe C. Schmitter, and Laurence Whitehead, eds., *Transitions from Authoritarian Rule*, 4 vols. (Baltimore: Johns Hopkins University Press, 1986); Larry Diamond, Juan Linz, and Seymour Martin Lipset, eds., *Democracy in Developing Countries* 4 vols. (Boulder, Colo.: Lynne Rienner, 1989).

³Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991).

⁴Seymour Martin Lipset, “Introduction,” in Lipset, ed., *Encyclopedia of Democracy* (Washington, D.C.: Congressional Quarterly Press, 1995), p. iv.

Specifically, one should guard against the fallacy of “electoralism” which argues that merely holding elections will channel political action into peaceful contests among elites and accord public legitimacy to the winners, regardless of the conditions under which they are held or the constraints on those who win. A number of scholars criticized U.S. programs in support of elections in Southeast Asia and Latin America in the 1960s and 1970s because such programs mistook “electoralism” for democracy.⁸ Similarly, the elections that took place in Togo and Cameroon in the 1990s had little to do with democracy. While elections are not the only characteristic of democracy, “no other democratic institution precedes elections, either in importance or timing.”⁹ In other words, while it is possible to have elections without democracy (electoralism), one cannot have democracy without elections.

International law binds states to conduct their internal affairs so that “the authority to govern shall be based on the will of the people as expressed in periodic and genuine elections.”¹⁰ A wide variety of electoral systems and practices qualify to meet this obligation. The Inter-Parliamentary Union has divided the requisite activities in the electoral process into ten broad categories. These are: (1) Electoral law and system; (2) Constituency delimitation; (3) Election management; (4) The right to vote; (5) Voter registration; (6) Civic education and voter information; (7) Candidates, political parties and political organization, including funding; (8) Electoral campaigns, including protection and respect for fundamental human rights, political

meetings, media access and coverage; (9) Balloting, monitoring, and results; (10) Complaints and dispute resolution.¹¹

C. Typology of Elections and the Importance of Context

Background: Judgments about the relative importance and value of elections and the implications of such assessments for programming decisions by donors will vary by context. In some circumstances, an election may serve to advance the process of democratization. In others, an election may set back the process. It is useful to recognize that elections may be categorized by their context and principal purposes. Some elections serve as breakthrough elections¹² that are designed to legitimize a regime change from autocratic, authoritarian, one-party, personal, or military regimes to a constitutional government based on civilian rule and competitive elections. Examples of breakthrough elections in which new governments came to power include the 1986 elections in the Philippines that replaced Ferdinand Marcos, the elections in Chile that ended military rule, the electoral process in Poland that brought Solidarity to power, and the 1994 elections in South Africa that marked the end of apartheid. A breakthrough election need not result in the defeat of the incumbent regime. The 1994 elections in Mozambique, for example, provided the ruling Frelimo party with an electoral mandate. A breakthrough election does, however, mark a qualitative shift in how political power is won and made legitimate.

Subsequent elections may be understood as consolidation elections that serve to advance the process of democratization in a society that already has an elected government. Second elections in Benin in 1996 and Madagascar, for example, served as a second opportunity for the

⁸See Terry Lynn Karl, “Imposing Consent? Electoralism versus Democratization in El Salvador,” in Paul Drake and Eduardo Silva, eds., *Elections and Democratization in Latin America, 1980-1985* (San Diego: Center for Iberian and Latin American Studies, Center for U.S./Mexico Studies, University of California, San Diego, 1986): 9-36.

⁹Michael Bratton and Nicolas van de Walle, *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective* (Cambridge University Press, 1997), p. 13.

¹⁰Guy S. Goodwin-Gill, *Free and Fair Elections: International Law and Practice* (Geneva: Inter-Parliamentary Union, 1994), p. 27.

¹¹Guy S. Goodwin-Gill, *Free and Fair Elections: International Law and Practice* (Geneva: Inter-Parliamentary Union, 1994), p. 27.

¹²These have also been referred to as founding or transitional elections. For the purposes of consistency, the term breakthrough is used throughout this paper.

electorates to change their governments, in these cases by returning power to pre-transition leaders. Many consolidation elections in Central Europe saw the victory of parties that had their base in the former communist parties. In a number of cases in Africa, second elections have been boycotted by the opposition, as in Mali and Côte d'Ivoire, leading one analyst to conclude that the elections represented merely the survival, not the consolidation, of democracy.¹³

In some cases, the distinction between breakthrough and consolidation is less clear or analytically useful. In Ghana, for example, the first round of elections after a period of military rule took place in 1992 and a second round occurred in 1996. But, because the opposition boycotted the 1992 elections, the 1996 round may also be understood as breakthrough elections. Other elections are transitional in the sense that they mark the return of civilian government after a period of military rule but at the same time represent a return to an earlier period of democracy, as in Chile and other Latin American states.

As will be suggested below, each type of election calls for different types of assistance. In breakthrough situations, assistance is typically designed to facilitate a free and fair election. Foreign advisors and large technical assistance programs to electoral commissions and high profile international observer missions may be appropriate tools to ensure the legitimacy of the winner and a smooth transition of power. Different types of assistance designed to build capacity and to encourage the sustainability of the process are likely to be more relevant to a consolidation election. Assistance in the form of training and capacity building to election commissions, non-governmental organizations, and political parties, and an emphasis on domestic observers may better suit a consolidation election. The mix will vary according to the particular circumstances and no election is a pure "transitional" or "consolidation" election. Nonetheless, this

¹³ Michael Bratton, "Second Elections in Africa," *Journal of Democracy* 9:3 (July 1998): 51-66.

typology provides a useful means of emphasizing the importance of context.

Breakthrough Elections: A breakthrough election occurs when "for the first time after an authoritarian regime, elected positions of national significance are disputed under reasonably competitive conditions."¹⁴ Such elections, if allowed to result in the installation of a newly elected regime, mark a watershed in the way in which political life is managed. The goal of a breakthrough election is to put into place a credible, recognized government that derives its legitimacy from the competitive nature of the election and that can serve as a viable partner in the international community.

According to the prominent political scientist Samuel Huntington, each "wave" of democracy has been followed by a retreat as some of the elected regimes either fall (often to military coup) or revert to authoritarian tendencies of the past.¹⁵ In some cases, such as Burma, Algeria, and Nigeria, the military did not allow the winners of the election to form a government. Furthermore, even a successful breakthrough election is no guarantee against later backsliding. A military coup quickly overthrew the elected government in Burundi in 1994. Melchior Ndadaye was murdered within four weeks of the transfer of power. Military coups also followed breakthrough elections in Niger, Congo-Brazzaville, Sierra Leone, and Cambodia. In other cases, the winners in breakthrough elections took undemocratic actions to consolidate their own power rather than democracy. The elected governments in Zambia and Armenia made sure that their authority could not be challenged by manipulating the electoral rules to minimize the power of the opposition and changing their countries' constitutions. In Central Asia, public referenda have been used to significantly extend the tenure

¹⁴Guillermo O'Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore: Johns Hopkins University Press, 1986), p. 57. Confirm

¹⁵Samuel Huntington, *The Third Wave* get page cite.

of incumbent presidents. In Peru, Alberto Fujimori led a “self-coup” in 1992 against his elected government and ruled by decree.

A specific subset of breakthrough elections are those that follow a period of conflict. Some are organized by the party that won the conflict to consolidate and legitimize their rule, as in Ethiopia (1995) and Uganda (1996). Others are designed to implement a peace agreement and return the state to constitutional rule after a period of civil strife, as in Angola (1992), Cambodia (1993), Mozambique (1994), El Salvador (1994), Bosnia (1996), and Liberia (1997).¹⁶ Such elections are designed to serve both as a war termination strategy and to initiate a process of democratization.

Breakthrough elections represent particular windows of opportunity and risk for donors engaged in promoting democratization. During a transition, political leaders continuously assess the relative benefits of working to advance the process of democratization in a climate characterized by considerable uncertainty. As a result, relatively small actions by the international community often play a particularly important role in such contexts. In addition, institutions and patterns of behavior adopted during the chaotic period of the transition will create the context for later political developments and will be difficult to revise later.

Consolidation Elections: A consolidation election represents the culmination of a process in which the accidental arrangements, ad hoc norms, and contingent solutions that emerged during the uncertain struggle of a transition become transformed into institutions that are reliably known, regularly practiced, and normatively accepted by all major actors.¹⁷ As this definition suggests, no democracy is ever

fully consolidated. Rather, each remains a continuous work in progress whereby regular practice and usage of institutions and norms provides them with their legitimacy and efficacy. Generally, breakthrough elections are characterized by high levels of uncertainty. An election in the context of consolidation uses institutions, procedures, norms, and practices to limit – but not eliminate – uncertainty and thereby build confidence in the process and adherence to its rules. As the process of consolidation advances, institutions become more autonomous and more legitimate and hence have a greater chance of persisting. Once the procedures and institutions achieve legitimacy, the rulers selected by and operating within these processes are more likely to be perceived as legitimate. In short, consolidation takes place when “democracy has become the only game in town.”¹⁸

In Benin in 1996, for example, the second election and the willingness of the incumbent president to accept the outcome helped strengthen the norm that competitive elections are the mechanism to legitimate political power. In Romania, the 1996 elections gave voters a chance to vote out Ion Iliescu and his ex-communist supporters elected in 1992, an election that many regarded as marking the more fundamental transition in Romanian politics. In 1998, voters in Moldova replaced the Agrarian Democrats who had won the first elections after the collapse of the Soviet Union. Even after several elections, weaknesses in democratic institutions and practice may well persist. In Latin America, for example, scholars have analyzed the development of “delegative democracy” in which elected executives govern in a manner largely unconstrained by horizontal accountability to courts or legislatures.¹⁹

¹⁶Krishna Kumar, ed., *Post-conflict Elections, Democratization, and International Assistance* (Boulder, Co.: Lynne Rienner, 1998).

¹⁷Philippe C. Schmitter, “Consolidation,” in Seymour Martin Lipset, ed., *Encyclopedia of Democracy* (Washington, D.C.: Congressional Quarterly Press, 1995), p. 295.

¹⁸Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Johns Hopkins University Press, 1996), p. 5.

¹⁹Guillermo O’Donnell, “Delegative Democracy,” *Journal of Democracy* 5 (January 1994): 55-69.

Consolidation may follow an initial transition but it does not always do so. In many of the cases of transition in the 1990s, democratization has stalled or even regressed rather than becoming more consolidated. In a number of cases, unconsolidated democracies have persisted for quite some time. A number of regimes have reached a stage of semi-democracy or electoral democracy that are characterized by regular elections but lack the institutions required of a liberal democracy²⁰. Ethiopia, Cameroon, and Togo, for example, each held several sets of elections in the 1990s but restrictions on opposition political parties and the lack of a free press, among other factors, have prevented consolidation.

This situation stems, in part, from the fact that creating the most appropriate institutions is not easy and there is no single correct model. Institutions gain a sense of legitimacy and the citizens and major political actors accept ownership of such institutions only if they are effectively used and respected over time. Nascent democracies face significant challenges in making enduring rules to govern new political realities. The tasks are often daunting and may include the creation of a civil society, establishment of a multi-party system, the introduction of civilian control over the military, the decentralization of power, administrative and judicial reform, and economic stabilization. It will require that the rules and norms of democratic political life become routine. Failure to manage one or more of these difficult issues may erode support for even a well-designed and administered electoral process. Popular expectations that economic performance will improve rapidly, if frustrated, may erode public support for the new democratic institutions.

D. USAID and Elections Assistance

Background: USAID democracy promoting programs have been motivated by a variety of purposes. In many cases, particularly in Latin America and Eastern Europe where there exists

²⁰ Fareed Zakaria, "The Rise of Illiberal Democracy," *Foreign Affairs* (November/December 1997).

a strong regional impetus to establish democracy as a prevailing political norm, USAID has emphasized promoting democracy for its own sake, as a political good that brings more freedom, representation, and governmental accountability. In other areas, most notably Africa and Asia, democracy promotion has been rooted in the notion that democracy is a valuable goal because it will further social and economic development.²¹ As stated in the Strategic Plan of the Center for Democracy and Governance, "democratization not only supports U.S. foreign policy goals, but facilitates informed participation, public sector accountability, and the protection of human rights. Success in the other core areas of USAID's sustainable development program . . . is inextricably linked to democratization and good governance."²²

USAID democracy assistance has shifted over time. In the late 1980s and early 1990s, support for elections and election observation missions played a high profile role. In the middle 1990s, attention shifted to strengthening government institutions, particularly parliaments and judiciaries. In the middle to late 1990s, USAID's democracy promotion programs have focused increasingly on civil society.²³ In part, this shift reflects the movement from breakthrough elections to consolidation elections and a growing concern for the role and participation of citizens in civil society.

General Approaches - Legitimizing and Institutionalizing Assistance: A key question regarding the implementation of electoral assistance is the broader, underlying objective(s) intended for the assistance. Why did the US

²¹ Thomas Carothers, "Democracy Assistance: The Question of Strategy," *Democratization* 4:3 (Autumn 1997), p. 110.

²² Center for Democracy and Governance, Bureau for Global Programs, Field Support and Research, U.S. Agency for International Development, *Strategic Plan, 1997-2002* (Washington, D.C., April 1997), p. 7.

²³ Thomas Carothers, "Democracy Assistance: The Question of Strategy," *Democratization* 4:3 (Autumn 1997), p. 115.

Government decide to get involved in or support a specific electoral activity or process in a particular country at a given point in time? While the language that frames the decision to support the activity may speak to such elements as “enhancing the capacity of electoral officials for managing free, fair, and competitive elections”, there are likely to be broader, more basic motives or objectives that underlie such statements. These can be pared down to two fundamental objectives: legitimizing (or political) objectives, and institutionalizing (or developmental) objectives. The former tend to be outcome driven while the latter are more concerned with process. Clarity is important since selection of one objective rather than the other will certainly affect the type of intervention employed, the relations established with local authority, the time frame for the activity’s implementation, the type of personnel selected for carrying out the activity or intervention, and the type of resources assigned to the activity. When there is lack of clarity unexpected consequences may ensue, or unreasonably optimistic or wrong-headed expectations may be assigned to the proposed activity.

Legitimizing objectives are those that seek to assure that the outcome of a particular election is legitimate, that it is accepted and viewed as credible by key stakeholders in the process. Frequently, the impetus for elections assistance with legitimizing objectives comes from the diplomatic/foreign policy side of the US Mission. It stems from a concern that the prospective elections might not be entirely free and fair, or just as importantly, not perceived as free and fair. And, that this situation will produce a government that is considered less than legitimate and one which may possibly provoke tension in relations between the US government and the host country. Institutionalizing objectives, on the other hand, are those that seek to either construct or strengthen those institutions managing or participating in the elections. The primary concern is strengthening the electoral process with no particular eye to the result. It is presumed that if the process is strong and if the management of the process is capable, the

outcome will be credible, free and fair. This distinction is not perfectly dichotomous. If the emphasis is on legitimizing assistance, that is not to say that institutionalizing results are absent or unintended.

Legitimizing objectives tend to *reflect the political interests* of the US Mission, and are frequently derived from a suspicion (not necessarily articulated) that the electoral process is at serious risk of fraud or manipulation, and thus at risk of producing a tainted result. In general, institutionalizing types of activities are more *associated with the development interests* of the US Mission. These objectives tend to be more long term and stem from a concern with the need to strengthen electoral institutions that foster democracy rather than a suspicion that a particular election will be tainted. It should also be noted that there is an equal concern that sustainable capacity be developed since electoral assistance cannot and will not be provided indefinitely.

While we were unable to come up with precise figures, it appears that a significant proportion of interventions carried out through USAID elections assistance have legitimizing objectives. It should also be pointed out that legitimizing assistance normally falls outside the strategic objectives already in place in a given USAID Mission. If time permits, a special objective could be prepared. Yet typically, this is done for longer term, institutionalizing assistance. In contexts where legitimizing assistance is required, there may be little or no time to try to fit the activity into the strategic objective framework or to develop appropriate indicators for successful performance.

Both objectives must be concerned with credible outcomes. With legitimizing assistance, however, the process is viewed as a means to an end, i.e., a free and fair election. Once the anticipated legitimate outcome is produced, concern for the process ends. With institutionalizing objectives, however, there is a clear and explicit recognition that a strong, capable electoral process is not necessarily produced with one legitimate election, and the

successful implementation of an election does not necessarily spell the end of the assistance.

Although there are certainly exceptions, legitimizing activities will tend to occur in the early stages of transition to democracy. Concerns about legitimacy of the process are particularly keen in breakthrough elections. When institutions are new there is concern regarding how they will work and whether they will do so effectively. New institutions are more likely to be manipulated, and errors or practices that lead to distorted results or outcomes are also more likely to occur. There is a concern for developing a process that will be acceptable to the general electorate – one in which it will readily participate. Once past the initial stages of democratization and into consolidation, and especially where there is an incipient record of successful elections, the concerns are more apt to be for making the process smoother, or for activities which both enhance and strengthen the electoral process.

While the distinctions are not always neat, and overlap is not at all uncommon, the activities associated with legitimizing and institutionalizing objectives tend to be different in character and focus. Assistance geared toward legitimizing objectives is generally short-term (less than one-year) and emphasizes activities to ensure the integrity of the process such as monitoring of pre-election and election processes,²⁴ the training and deployment of domestic and international observers, and the provision of commodities such as ballot paper, ballot boxes, indelible ink, and logistical support (including vehicles and gasoline) for election authorities.

²⁴ The role of monitoring in guaranteeing the integrity of an election process and in reassuring a skeptical public about the importance of the electoral process is clearly noted in NDI's Handbook, *How Domestic Organizations Monitor Elections* (Washington DC: National Democratic Institute for International Affairs, 1995). NDI also points out that an independent monitoring group's evaluation can be influential in the acceptance or rejection of election results.

Frequently, assistance will provide direct, hands-on implementation for crucial activities such as the training and organization of domestic monitors or observers, legal advice and support for amendment of electoral laws, and direct support to local electoral authorities (which may even include salary support for officials.), and the development of immediately relevant voter education programs. Not infrequently, and particularly if the election is a breakthrough or transition election, and where there is a lack of credible and competent local resources, USAID will contract with one or more of its elections' partners (NDI, IRI, IFES) will bring in "performance personnel" to work directly with local authorities (and in certain cases to virtually supplant those authorities) to implement an election. One IFES staffer has characterized such activity as "emergency assistance". Another observer has noted its importance where the task is simply getting the job done so that the election can proceed. (Hirschmann, 1998) Cases in point are Bosnia-Herzegovina, Liberia, Haiti, where expatriate-led teams in coordination with other international actors (e.g., UNDP, OSCE), were put into place to manage and implement an election where local capacity for carrying out an election was virtually non-existent.

Over the past decade an impressive array of highly competent cadre has been developed by the various elections assistance organizations, one that can be quickly and effectively mobilized to manage and implement elections even in very high-risk political environments. Many of these individuals are young, with recent university degrees, and will spend 6-12 months on site directly helping in the management and implementation of the elections. They also tend to be generalists and are often familiar with several areas of election management.

Assistance aimed at institutional strengthening of the electoral process tends to be more long-term, i.e., one to two years or more, and emphasizes activities that enhance the capability of organizations that manage and implement elections, and which assist in consolidating the electoral process. Most typically, this assistance is provided between electoral events. Assistance

providers work with and through local electoral organizations, emphasizing the development of skills and resources and transferring techniques and technology to bolster capacity, in an effort to assure that the local organization has the ability to carry on once assistance is completed.

Institutionalizing activities might include: 1) expert assistance for revision of the electoral code, including drafting of new legislation; 2) assistance in the development and implementation of integrated civil and voter registration systems; 3) training-of-trainers for domestic observation; 4) assistance for the organizational development of the electoral commission including creation and implementation of management systems and the development of budgeting techniques; 5) training of judicial personnel in election-related dispute resolution; and 6) the development of permanent cadres of poll-workers. In contrast to the generalist cadre for legitimizing types of assistance, consultants used in institutionalizing interventions tend to be specialized in particular areas of election management or practices, such as election law, voter registration systems, or strategic planning and organizational management.

As should be clear, these interventions are not necessarily aimed at assuring a credible outcome for a particular election, rather, they are aimed at creating the resources and machinery for an effective, credible electoral process and system. In Ghana, for instance, the multi-million dollar “Supporting the Electoral Process (STEP)” project provided comprehensive assistance to the Electoral Commission over a three year period.²⁵ The technical advisor, IFES, developed an “operational partnership” with the Electoral Commission for the redesign of the voter registration system, election planning and budgeting, training of Commission personnel for decentralized election administration, voter education, and the design and implementation of a data-base management system. While the main goal here was to develop a sustainable capacity

on the part of the Electoral Commission to manage the election process, perhaps as important was a desire to address the legitimacy questions stemming from the 1992 election.

Through a multi-year and multi-faceted program in Ukraine, IFES provided intermittent legal assistance through a team of advisors who worked with the Committee on Law Policy and Legal Reform in the Parliament to revise the electoral code. Working in partnership with the committee, the team assisted in the development of recommendations which led to a major overhaul of the law. While the revisions of the code did have an impact on the next election, the purpose of the assistance was broader and more profound.²⁶

²⁵ See MSI Elections Assistance Assessment Case Study on Ghana, 1998, for a more complete description of the activities carried out in Ghana.

²⁶ See Ukraine Case Study on page 29 of this paper.

II. THE LEGAL FRAMEWORK FOR ELECTIONS

A. Voting Rights

Background: The relationship between human rights and elections has been clearly established in a host of international and regional covenants. For fifty years, the Universal Declaration of Human Rights has served as the fundamental enumeration of rights and freedoms basic to all human societies. It has provided nations with a model toward which to strive and the international community with a vehicle to promote greater respect for human rights worldwide. In addition to basic freedoms of conscience, movement, expression, and association, which many deem critical to an open electoral process, the Declaration also includes specific provisions on rights to vote and be elected. The Universal Declaration enjoys broad respect and has given rise to a number of legally binding agreements, including the International Covenant on Civil and Political Rights. According to Article 25 of the Covenant, every citizen shall have the right and opportunity:

- To take part in the conduct of public affairs, directly or through freely chosen representatives
- To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors
- To have access, on terms of equality, to public service in his country.

Similarly, the Organization for Security and Cooperation in Europe (OSCE) Charter emphasizes the linkage between elections and human rights. The Copenhagen Document requires participating states to “respect the right of citizens to take part in the governing of their country, directly or through representatives freely chosen by them through fair electoral processes.” Participating states further recognize “their responsibility to defend and

protect, in accordance with their laws, human rights obligations, and international commitments, the democratic order freely established through the will of the people.”

Two prominent observers argue that the right to vote has not always been as widely proclaimed as other fundamental human rights. However, “for persons long denied . . . a meaningful voice in their societies, the act of voting can be an empowering and transforming experience.”²⁷ They argue that an individual’s right to vote must be reinforced and supplemented by other basic rights and freedoms such as freedom of opinion, expression, and association, and freedom from fear and intimidation if elections are to be genuinely free and fair. Significant progress must be made in these areas if individuals and non-governmental organizations are to feel free to articulate their views and participate in public debate, if political parties and candidates are to have the opportunity to campaign and have their views covered equitably in the media.²⁸

Context for Assistance: USAID faces a unique set of challenges in environments where human rights abuses are rampant, the political system closed, elections largely a sham, and violence commonplace. US Government policy may make USAID involvement particularly difficult, if sanctions are in place, diplomatic relations broken off, or military actions underway. Moreover, securing an environment in which elections can be held may require the resources and status of a multilateral organization such as the United Nations (UN) or the Organization for Security and Cooperation in Europe (OSCE). In the case of Bosnia, for example, the leading role of the OSCE in implementing elections was specified in the Dayton Accords. As such, context combined with political opportunity and institutional mandate go far to explain the existence, nature, and timing of USAID

²⁷ “Voting as a Human Right,” by Ambassador Harry G. Barnes and Dr. David J. Carroll in *Elections Today* Winter 1999, vol. 8, no.1, pages 4 - 5.

Elections Today is a publication of the International Foundation for Election Systems: Washington, DC.

²⁸ Ibid.

assistance targeting voting and political rights in such countries as Bosnia, Cambodia, El Salvador, Indonesia, Liberia, Nicaragua, Nigeria, Mozambique, and South Africa. In order to build USAID's rapid response capability and provide for the innovative types of programming often required in conflict and post-conflict settings where human rights are a major concern, the Office of Transition Initiatives (OTI) was created.. Where political openings are extremely limited, for example in Cuba, China, or Burma, USAID partners in development, such as the National Endowment for Democracy and the Open Society Institute (Soros) may pave the way for more significant USG involvement in the future.

Assistance Approaches: It is clear that a wide range of democracy programs are motivated by and intertwined with the promotion of greater respect for human rights. In the context of post-conflict or breakthrough elections, assistance has involved negotiating a cessation of hostilities or mediating disputes as a precursor to elections as well as efforts aimed at constructively engaging all political factions in the election process. Other forms of support designed to foster the integrity of the electoral process and acceptance of its outcome have included initiatives aimed at expanding voter eligibility and registration among internally displaced persons (IDPs), refugees, or minority groups at risk. Specially tailored voter education programs have also been targeted at these groups to ensure their informed participation. In addition, election observation has been viewed as an important means of monitoring the freeness and fairness of elections while simultaneously maintaining pressure on rogue governments to improve their human rights records. In some instances, observer efforts, such as those undertaken by NDI and the Asia Foundation, have zeroed in on violence and human rights abuses perpetrated during election campaigns. In Sri Lanka, for example, the Asia Foundation provided support to the Center for Monitoring Election Violence which undertook a nationwide effort to monitor and disseminate information on campaign-

related violence.²⁹ In Kenya, NDI, among others, supported the activities of a local NGO that monitored violence during the election campaign.

Breakthrough Elections - Legitimizing the

Process: In some post-conflict settings, interventions aimed at securing the legitimacy of the election outcome have emphasized the participation of previously disenfranchised segments of the population or groups at risk. These have included refugees, internally displaced persons, ethnic minorities, women, and political groups. During the 1996 municipal elections in Bosnia Herzegovina, for example, IRI undertook a successful voter information and mobilization project among refugees in Croatia. Of all the neighboring countries with refugee populations, Croatia had the highest rate of voter registration and turnout. Also in the Balkans, IFES developed voter education poster, leaflets, and radio spots directed at the Albanian minority in the Yugoslav Republic of Montenegro. In Bosnia, it provided voter education materials to refugee reading centers. A unique program in the West Bank and Gaza targeted former political prisoners. Both the party institutes and IFES have designed programs focussing on women's participation in elections throughout the Middle East.

IRI, NDI, and IFES, have also carried out interventions in several countries designed to encourage the constructive involvement of all political parties in the electoral process and to ensure that the rights of political parties and candidates to participate in elections were upheld. In Cote D'Ivoire, for example, NDI engaged in a unique effort to draft a code of conduct designed to exact a commitment from various political parties to strictly observe provisions of the election law and to respect the results of the election and the transfer of power.³⁰ In Ghana, IFES assisted the Central

²⁹ For more information, see the Asia Foundation World Wide Web site at <http://www.asiafoundation.org>.

³⁰ Guy Goodwin-Gill has observed that: "Codes of Conduct may also help to develop confidence in the democratic process as a mechanism for

Election Commission to establish the Interparty Advisory Committee, a consultative forum for all registered political parties. Its aim was to more directly involve political participants in planning for the 1997 elections through routine communication. It also served to inform parties about provisions of the law that directly affected them and how the rules were to be implemented, interpreted, and enforced during the election campaign. In South Africa, strategic planning interventions by IRI were specifically credited with convincing AZAPO not to call for a wholesale boycott of the political process or to resume armed struggle.³¹ And in Nicaragua in 1990, the Carter Center, in conjunction with the Council of Heads of Freely Elected Governments, was able to help contain violence, resolve disputes, and encourage the opposition to remain in the election campaign.

In environments where breakthrough elections are anticipated, but not necessarily imminent, efforts by USAID partners have assisted in bringing various political players to the table discuss steps to be taken toward democracy and to build trust so that future elections and their outcomes will be accepted as legitimate. Such efforts are already underway with respect to Cuba:

implementing representative government and affecting peaceful change” over the long term. Many have also provided for regular meetings between contestants to discuss issues arising during the campaign, thereby minimizing incidences and misunderstandings that could destabilize the electoral environment. Ultimately Codes of Conduct may provide a reliable mechanism for establishing agreement on basic ground rules, conflict avoidance, and confidence building mechanisms that facilitates the acceptance of election results by the losers and contribute to smooth transitions of power.

³¹ See the IRI World Wide Web site at <http://www.iri.org/Africa>.

Box 2a: Consensus Building and Human Rights in Cuba Dissidents³²

For three years, IRI has worked closely with the Cuban Democratic Revolutionary Directorate (*Directorio*), one of a plethora of groups working to support those in Castro’s Cuba and striving for a peaceful transition to democracy. Pro-freedom Cuban groups have been divided over issues of policy, yet all share a common dream of freedom and democracy in Cuba. For years, groups within and outside of Cuba have worked to reach consensus. *Directorio*, with the help of IRI, played a leading role in this process and in February 1998, for the very first time, more than 70 exile and domestic groups publicly and formally agreed on the fundamental principles necessary for Cuba’s transition to democracy. Signatories of the “*Agreement for Democracy in Cuba*,” committed themselves to an “independent Cuba whose sovereignty resides in the people and is realized through the effective exercise of a representative multi-party democracy and a government of the majority with absolute respect for the minority.” Key points of the Agreement include: guaranteeing universal suffrage in free elections; a general amnesty for political prisoners and prisoners of conscience; protection of the rights of expression, association, peaceful protest, press, and religion; an independent, impartial, and professional judiciary; the rule of law; and the legalization of political parties and non-governmental organizations.³³

³² This program typifies the type of work undertaken by the National Endowment for Democracy (NED) and its grantees in pre-transition and early transition environments.

³³ “Cuban Pro-Freedom Groups Sign Agreement,” May 1998, on the IRI World Wide Web Site at http://www.iri.org/LA_Carib/Publications/Cuba/Cubanprofreedom.htm.

This Agreement is an extremely important first step in bringing all the players to the table and in identifying common goals within the Cuban pro-democracy movement. The process of drafting the document and soliciting support served as a practical lesson in consensus-building. That it was not solely a product of the exile community is also essential to establishing a sense of “ownership” inside Cuba. The Agreement may prove critical to the constructive engagement of all contestants, once breakthrough elections occur, and contribute to their confidence in and acceptance of the electoral outcome. It provides an affirmation of positive principles around which diverse groups and individuals can rally, sets the stage for legitimizing elections, and outlines the necessary conditions for improving human rights. *Directorio* played a key role in this process although numerous pro-freedom organizations across the political spectrum in exile and in Cuba promoted and signed the Agreement.³⁴ In addition, the effort of the NED and its other grantees to establish routine communication and information sharing between dissidents in Cuba and the United States through electronic and telecommunications likely aided the consensus-building process and should not be overlooked.³⁵

In certain contexts where abuses of human and political rights persist, assistance providers have been able to exploit political openings to promote democratic reform. IRI’s village elections project in the PRC provides a case in point:

Box 2b: Voting Rights and Village Elections in China³⁶

Since 1994, IRI has been instrumental in advising on election law development for and monitoring breakthrough elections to village committees in China. It has observed nearly 50 elections in 10 provinces and has been instrumental in advocating the use of secret ballot

booths and election monitors, augmenting civic education efforts, and conducting training programs which stress the importance of open primaries and transparent vote tabulation. In Fujian province, where IRI had first observed elections in 1994, secret ballot booths had become mandatory and candidate appointed monitors were present to check for voting irregularities by 1997. In fact, of 40 recommendations made by the IRI delegation in 1994, 29 have been fully or partially implemented. While China remains a one party state, approximately two-fifths of those elected to village committees are non-communists. As a result, village committees are beginning to wrest real power away from local Communist Party bosses. One non-Party member, who was elected village committee chairman, announced over loudspeakers to his constituents: “I was elected by the whole village. The party secretary was elected only by Party members. From now on, I am the number one leader in the village. You should come see me when you have problems.”³⁷

Although human rights violations continue in the PRC, as witnessed by the recent arrest and imprisonment of prominent dissidents, the impact of electoral reforms should not be discounted. In addition to expanding voting and political rights at the grass-roots level and establishing a precedent for political and electoral behavior for future national elections, the reforms signify the beginnings of representative government and rule of law in China.³⁸ The importance of village committee

³⁴ Ibid.

³⁵ For more information on NED funded activities in Cuba, refer to the NED Annual Reports.

³⁶ This program also illustrates the ability of the NED family to exploit political openings.

³⁷ Taken from the Testimony of Lorne W. Craner, President of the International Republican Institute, Before the House International Relations Committee’s Subcommittee on East Asian and Pacific Affairs, Thursday, April 30, 1998 on the IRI World Wide Web Site at http://iri.org/Asia-ME/Publications/Asia/Lorne_China_Apr98.htm.

³⁸ As evidence of this progress, the Carter Center recently signed a landmark agreement with China’s Ministry of Civil Affairs to collaborate on efforts to

elections should not be underestimated as they affect upwards of 800 million people. IRI's program illustrates the potential advantages of exploiting political openings in countries with consistently poor human rights records as well as opportunities to press for reform from within official structures.³⁹

Assistance To Consolidating Elections - Voting Rights and the Law:

Once breakthrough elections have been held, the reform process may provide further possibilities for clarifying or expanding voting and political rights under the law. Typically, such rights are addressed in the preliminary chapters of parliamentary or presidential election laws. In some cases, however, stand alone legislation guaranteeing voting rights may be adopted. In Russia, for example, a sustained effort by IFES played a strategic role in the development of the Voting Rights Act in 1994:

Box 2c: IFES and Voting Rights in Russia

Russia's first legitimizing election following the collapse of the Soviet Union was conducted according to presidential decree and on the heels of a bloody constitutional crisis. In the aftermath of the 1993 election and constitutional referendum, the Central Election Commission (CEC) was tasked with drafting new and comprehensive legislation on elections and overhauling the election administrative structure in accordance with the principles of the country's new Constitution. Initial attention focused on the drafting of fundamental legislation on voting rights.

An IFES team of legal and election administration experts provided commentary on successive drafts and participated in the CEC's Election Law Working Group. When the "*Federal Law On Basic Guarantees of the Rights of Electors*" was passed in 1994, several IFES recommendations were included, such as: language on fair districting procedures, improved ballot security mechanisms, enhanced rights of political party representatives to serve on election commissions, increased independence of the CEC, expansion of rights afforded to domestic and international observers, elaboration of citizens' rights to information, increased campaign finance reporting and public access requirements, prohibitions on use of official resources for campaign purposes, and prohibitions on official manipulation of voting procedures. According to a General Accounting Office (GAO) program evaluation report released in 1996, "IFES has made several important contributions to improve Russia's electoral [system], including contributing to the passage of Russia's Voting Rights Act.⁴⁰ To date, Russia is the only country in the former Soviet Union which has stand alone legislation on voting rights and serves as a model for the region.⁴¹

The "*Federal Law on Basic Guarantees of the Rights of Electors*" takes precedence over all other election legislation including presidential, parliamentary, and regional elections and public and constitutional referenda in guaranteeing

standardize election procedures in some 930,000 villages and install a data collections system. For more information see the Carter Center World Wide Web site at

<http://www.cartercenter.org/elections.html>

³⁹ See the Testimony of Lorne W. Craner, President of the International Republican Institute, Before the House International Relations Committee's Subcommittee on East Asian and Pacific Affairs, Thursday, April 30, 1998 on the IRI World Wide Web Site at http://iri.org/Asia-ME/Publications/Asia/Lorne_China_Apr98.htm.

⁴⁰ Refer to GAO-NSIAD-96-40, *Promoting Democracy: Progress Report on U.S. Democratic Development Assistance to Russia*, February 1996.

⁴¹ When the voting rights act was revised in 1997 following the 1995 parliamentary and 1996 presidential elections, IFES was again invited to work with the CEC, the State Duma, and the Federation Council on modified language and to assist the CEC in identifying mechanisms to foster compliance by Russia's 89 Subjects with the fundamental law.

voting rights. It also provides the CEC with a legal mandate in conjunction with the courts to uphold and promote voter's rights. A special division in the CEC's legal division reviews all draft election legislation prepared by each of Russia's 89 Subjects to ensure compliance with the Federal Law. The same division also monitors implementation at the regional level and works with the Constitutional Court and the Federal Assembly to further mechanisms for compliance. The Federal Law has also served as a catalyst for official education efforts aimed at teaching voters about their rights.⁴²

A. The Legal Framework

Background: Perhaps the central question facing legislators as they draft new constitutions, prepare new laws, or substantively modify existing statutes is the type of election system to be employed. And yet, it is often a decision made without due deliberation or with little or no comparative information. The Institute for Democracy and Election Administration (IDEA) cites a number of concerns regarding the adoption of new electoral systems in transitional environments:

- The choice of electoral systems, while one of the most important institutional decisions of an emerging democracy, is only rarely done consciously or deliberately.
- Even in instances where electoral systems are deliberately chosen, it is rarer still that they are carefully designed to accommodate particular historical and social conditions of a country.
- Given that such decisions do not occur within a political vacuum, the background to a choice of electoral system can be as important as the choice itself.

⁴² Presidential Decree No. 558 *On the Federal Program for Improvement of Legal Culture of Voters - Citizens of the Russian Federation*, 1 November 1994. The CEC's official voter education program was approved by decree of the President, No. 228 dated 28 February 1995.

- While the context in which emerging democracies evolve can vary considerably, their long term aims may be the same: to adopt institutions strong enough to promote stable democracy yet flexible enough to withstand change.
- The worldwide wave of democratization which began in the 1980s and continues in the 90s, has created a certain urgency in the search for enduring models and the thorough evaluation of electoral systems.⁴³

The choice of an electoral system has a profound effect on a country's ability and willingness to conduct free and fair elections. It can impact the growth and consolidation of political parties, the stability of governments and legislative coalitions, legislative coherence and effectiveness, minority-- including women's -- representation, elected official - constituency relations, the influence of special interests, the role of extremist groups, the exacerbation of social cleavages, and even voter turnout.⁴⁴ The sheer number of voting methods and their varying advantages and disadvantages illustrates that no one system is clearly right or always appropriate.⁴⁵ As such, a country must consider its own political, social, and cultural circumstances and its priorities for democratization when making this important decision. While such decisions are understood to be within the domain of a sovereign state, there will be certain issues such as minority representation, which the international community will want to see addressed through the adoption of a new electoral system.

Constitutional Basis of Electoral Systems: A nation's constitution serves as the legal foundation for rights and responsibilities pertaining to political and electoral processes. In

⁴³ *The International IDEA Handbook of Electoral System Design*, IDEA: Stockholm, Sweden, 1997, pp. 1-2.

⁴⁴ *Opportunities for Innovation in Electing Legislatures of the Russian Federation: A Comparative Review of Voting Systems*, by Robert Alan Dahl, IFES: Washington, DC, October 1996.

⁴⁵ Ibid.

democratically oriented states, constitutional language typically provides for periodic conduct of elections and establishes the right to vote and be elected, to associate in political parties and assemble for political purposes, and have electoral disputes resolved pursuant to the rule of law. Absent constitutional guarantees of these rights as well as means to realize and protect them, democratic institutions cannot develop effectively. Many countries have taken steps to incorporate voting rights provisions in their constitutions. At the same time, the inclusion of such language is necessary but not sufficient for the realization of voting and political rights or a functional electoral system. This requires “enabling legislation.” This term refers to the subsequent laws or statutes that clarify and define in detail the procedures, legal standards, and methodology for the fulfillment of voting and political rights provided for under the Constitution. The case of Republic of Congo illustrates what can happen when constitutional guarantees are not reinforced by enabling legislation. In this instance, not all of the institutions envisioned by the Constitution of the Republic of Congo had been established prior to the 1997 elections. The lack of enabling legislation was cited by IFES as one of the key reasons for the failure of the electoral process there.⁴⁶

Enabling Legislation: The type of laws governing elections are varied and are often reflective of the type of legal system used in a given country. Many civil law countries, for example, use electoral codes rather than distinct pieces of legislation to govern presidential, parliamentary, and municipal elections, or referenda. An electoral code is a comprehensive compilation of many or all of the country’s laws pertaining to elections. Some countries have a hybrid. Parliamentary and municipal assembly elections may be covered in one law, while presidential elections are addressed through another. One argument for an electoral code is that it promotes uniformity and consistency in the organization and conduct of all elections.

⁴⁶ Linda Trudel, “When Should Post-Conflict Elections Be Held?,” in *Elections Today*, IFES: Washington, DC., 1998.

However, opponents suggest that it is simpler to amend a single law than to tackle an entire code. Yet, if similar provisions of various laws on elections are not changed in tandem, the existence of conflicts and gaps may be perpetuated or even exacerbated. From a political perspective, it may be easier for politicians to reform the electoral system by amending a code than to modify a particular piece of legislation affecting their own election. Legislators, for example, may be unwilling to tinker with a law under which they were elected, while executives can exert pressure to table new legislation on presidential elections. Generally, codification is useful where redundancies and inconsistencies in multiple election laws are routinely manipulated for political purposes or create obstacles to compliance, implementation, and enforcement.

Context for Assistance: Interventions aimed at improving the legal framework for elections vary in scope and duration and depend on several factors: timing of the intervention, available resources, political openings, and the overall programming context. In cases of complete breakdown, there may be no salvageable legal framework for the conduct of elections. International donors and their implementing organizations may need to assume a significant role in the preparation of election laws and institutions in advance of breakthrough elections. These are typically high-end interventions in post-conflict situations such as Bosnia. The multi-ethnic provisional election commission was chaired by the OSCE Head of Mission in Bosnia, who had an absolute veto over decisions of the commission and the rules and regulations developed to conduct elections in accordance with the Dayton Accords reflect the heavy involvement of international advisors.⁴⁷

In breakthrough situations, existing legislation may be modified or new legislation hastily drafted to accommodate the election, even if far from ideal. Politicians and election officials in such contexts are often under considerable

⁴⁷ Interview with Alexander Knapp, International Foundation for Election Systems.

pressure to conduct elections as soon as possible in order to ease tensions or resolve conflicts. Openings may exist for quick interventions where outside advisors can affect draft key modifications or amendments at minimal cost. Opportunities may also exist to draw a larger and more diverse group into the debate on electoral reform. The timing of such interventions is extremely important, however, as 11th hour amendments to legislation may have administrative, logistical, informational, and educational ramifications not easily accommodated by election authorities in the days remaining before the election.

The installation of a new President or legislature may present the opportunity to comprehensively and systematically address reform of the election process. If resources permit and adequate access and cooperation are afforded by entities tasked with legislative drafting, sustained interventions carried out by on-site personnel can have far-reaching results. An expanded timetable for electoral reform may also provide opportunity to include political parties and NGOs in the debate on electoral reform and build their capacity to participate. It may also allow for public information initiatives designed to raise public awareness about such reforms and for public notification.

Where the assistance is directed will depend on which institution has the authority to make changes. Many countries have vested the power of legislative initiative in a particular branch of government, generally the legislative or executive branch (or both), or to various ministries within the Cabinet of Ministers. On occasion, this right is stated in a country's constitution. The role of election commissions in preparing election legislation may be dependent upon the right of the executive to initiate legislation and the existence of a permanent electoral authority. In Russia, for example, the President has relied heavily on the Central Election Commission to draft election laws for parliamentary consideration while in the Republic of Montenegro, the CEC is completely removed even from the debate on electoral reform based on the belief that its involvement would constitute a breach of the separation of

powers. Many technical advisors have advocated some legitimate role for election authorities in improving extant legislation as they have the most thorough knowledge of election law and practice.

New mechanisms for voting or expressing popular will such as referenda or constituent assemblies, may also present opportunities for assistance. Authoritarian rule was ended in Uruguay and Chile and minority rule and apartheid abolished in South Africa through the referendum process. Referenda on constitutional or legal issues are often used following revolutions or other major political changes. They have been used to adopt new constitutions, as in Russia, or declare sovereignty, as in Ukraine. These contests, however, must be held to the same standard as elections. In some cases, such as Central Asia for example, referenda have been manipulated to interfere with the conduct of genuine and periodic elections and extend the tenures of executives.

Constituent assemblies have also been used, in Colombia for example, as a means of escaping political crisis. This approach typically involves the election of representatives from constituencies throughout the country who then sit as a legislative group to determine the fundamental laws and regulations, such as constitutions or election laws, that will guide future governments. During the 1980s, Colombia was wracked by guerrilla and paramilitary violence and under sustained assault from international drug cartels. As a result, its democratic government was a case study in failing legitimacy. The country's legislature was unable to pass urgently needed constitutional reforms. Some means of resolving the crisis democratically had to be found. A civic group called for a plebiscite for the purpose of convening a constituent assembly. Through this mechanism, the public approved a variety of reforms that would never have been approved by the legislative branch and ultimately led to the adoption of a new constitution.

Assistance Approaches: International assistance for legal frameworks has run the gamut from “surgical” interventions to amend election laws on contentious issues threatening to undermine the legitimacy of elections to longer-term programming designed to improve the operation of the electoral process. USAID’s implementing organizations have provided “audits” of existing or draft legislation, recommendations made as part of election observation reports, and assistance in drafting select articles of law or entire statutes/codes. Targeted and on-going advising has been provided to parliamentary committees, ad hoc commissions or “blue ribbon” panels, election law working groups, election commissions, political parties, and NGOs performing a public advocacy or advisory function. International and domestic public forums have been used to share information and experience.

IFES typically works with election commissions, parliaments, special working groups, and professional associations and has provided both drafting and “auditing” services and comparative information and analysis. The pre-election technical assessment is a standard component of any IFES assistance effort. NDI has worked with parliaments, through local NGOs, and with political parties to affect changes in election legislation and favors public forums. IRI has also worked with parliaments and political parties on reforming election legislation and routinely includes election law recommendations in its international election observation reports. Both party institutes frequently comment on the adequacy of election laws as part of political assessments carried out in advance of elections.

Breakthrough Elections - Legitimizing the Process: A variety of short term interventions have been used to amend key provisions of election law, particularly as they pertain to voting and political rights, and expand and diversify the group engaged in discussions on the matter as a means of ensuring the legitimacy of the election outcome. Upon conducting a review of the election law in Malawi at request of local civic leaders, for example, NDI sponsored a roundtable discussion on electoral

reform. Many recommendations made during the roundtable were incorporated into law. A similar model was used by NDI in Macedonia where it prepared commentary on the election law. It subsequently arranged a televised public hearing on electoral reforms. For the first time, civic groups and ruling and opposition parties met to discuss an agreement on a new election law. A reported 80% of the recommendations from the public hearing were adopted.⁴⁸ When Peruvians began an internal debate on a proposal to introduce single-member electoral districts in place of proportional representation, IFES stepped in to coordinate a series of symposia and conferences on Peruvian and comparative election law. In this instance, IFES advanced no particular proposals but rather supported the momentum for reform by providing forums for discussion, debate, and informed decision-making.⁴⁹

Another approach, frequently employed by NDI, the Carter Center, and IRI, involves the use of a group of internationally recognized and respected individuals from the fields of politics, international law and human rights, and academia, to conduct a review of draft legislation or election law proposals. The group then meets with government officials, members of parliament, political parties, and NGOs to solicit concerns, opinions, and other input on reform options. These are then presented to the appropriate branch or agency of the host government. This approach has proven useful when important segments of the political community are excluded from the debate on election law reform or when governments have been resistant to change. It ensures that the full range of ideas and reservations are given an honest hearing by the host government. The status and reputation of the group also increase the odds that its recommendations will be given serious consideration by political elites.

⁴⁸ NDI Annual Report, 1996, the National Democratic Institute for International Affairs: Washington, DC, 1996, p. 18.

⁴⁹ Interview with Patricio Gajardo, International Foundation for Election Systems.

Assistance To Consolidating Elections - Systematic Legal Reform: The former Soviet Union has been the setting for a number of significant interventions in the area of election legislation. Through on-site technical advisors, IFES assisted the Russians in the creation of stand-alone legislation on voting rights (see Box 2c) and on the development of new legislation on parliamentary and presidential elections. Through a prolonged on-site presence, IFES advisors were able to participate in the Central Election Commission's working group on election law reform, hold routine consultations with key members of parliament, and prepare commentaries on successive drafts of the laws in a timely manner. The team also assisted in drafting four model laws for municipal council elections, each employing a different system of representation, for consideration by administrative authorities, legislators, and election officials in Russia's 89 regions. These models also sought to bring the regions into full compliance with federal legislation on voting rights, a key priority of the CEC and USAID. IFES continues to work with the CEC and the parliament to address remaining weaknesses in the legal framework.⁵⁰ In the Republic of Montenegro, IFES has also used a model law approach. Its election and voter registration experts worked with an independent panel of Yugoslav experts to develop a set of model laws on elections, voter registration, and campaign financing.

Box 2d: Building Consensus for Election Law Reform in Ukraine

One of the more successful USAID interventions in building a legal framework for elections took place in Ukraine. In this instance, the parliament

⁵⁰ One proposed modification is the introduction of a second round of elections in instances where the winner has won less than 50% of the vote, to the system of majoritarian representation used to elect half of the lower house of parliament. Recent studies have found that only as many as 63% of the deputies in parliament were elected with 30% of the vote or less which has had some perceived negative ramifications on the legitimacy of elections and the authority of elected officials.

of Ukraine entered into a written agreement with IFES which allowed the latter to function as outside counsel to the parliamentary committee with responsibility for preparing new election legislation. An on-site legal advisor and a visiting federal judge provided assistance throughout the drafting process. The outcome was a new election law that incorporated many concepts based upon international standards and guidelines and resulted in an entirely new system of elections. This endeavor also served to institutionalize the Central Election Commission of Ukraine and the role of the courts of Ukraine in adjudicating election-related disputes. This was successful because a critical mass had been achieved within the executive and legislative branches for election law reform. A consensus also existed among a majority of Ukrainian citizens that the law was flawed and should be changed. The Ukrainian parliament and the government were able to gain insight on public opinion through a series of nationwide surveys conducted by IFES. The Foundation's strong working relationships with key members of the legislative and executive branches of government allowed it to build support for reform within power structures which, when combined with a demonstrated public consensus for change, proved a winning recipe. Ultimately, USAID was able to create a situation in which an intervention was not only welcomed but was the subject of an official request by the parliament of Ukraine. This example strongly suggests that consensus building in support of reform of the legal framework for elections is a necessary condition for successful interventions. It also demonstrates that public opinion can be a crucial factor in persuading political elites that reform is important and necessary.⁵¹

⁵¹ See MSI Case Study on Ukraine.

The case of Tajikistan provides an interesting case study in creative methods that can be employed to highlight weaknesses in election legislation without offending local sensitivities. This was done by conducting a comparative analysis of the election laws of Kazakhstan and Tajikistan, highlighting similarities in the laws, identifying actual problems experienced during previous Kazakhstani elections, and attempting to anticipate similar problems that could occur in Tajikistan.⁵²

Consolidating Elections - Development of Universal Electoral Codes: The former Soviet Union also provides the setting for assistance in the development of electoral codes. In Moldova, IFES undertook an audit of existing election legislation and related authorities as the basis for the subsequent preparation of a universal electoral code (UEC). IFES' legal and election advisors contributed considerably to the actual drafting process. While significant improvements were made to the legal framework, existing language was used to the greatest extent possible to ensure that the UEC was not too foreign to Moldovan legislators and to guarantee its applicability to the Moldovan context.

Box 2e: Introduction of a Universal Electoral Code in Moldova

Moldova is one country that has moved in the direction of a universal electoral code as a means of simplifying existing statutes and removing redundancies and conflicts among them. One of the main objectives in composing the UEC was to consolidate the treatment of general aspects of election administration. It also allowed for "best practices" to be incorporated into the legal framework in a manner consistent with Moldovan experience. Toward this end, IFES undertook a review of existing Moldovan election laws and related authorities and assembled a single draft

UEC for consideration by the Moldovan parliament. To facilitate better understanding and acceptance of the draft, the UEC contained many provisions from extant laws. Throughout the course of the debate, IFES legal advisors and election experts were on hand to provide commentary and respond to requests for further information or explanation. Some of the main problem areas identified by IFES and addressed through the UEC were: the establishment of a permanent CEC, the formation of district and precinct election commissions, the preparation of the voter registry, the handling of nomination applications (including signature petitions), and the introduction of rights for candidate representatives and observers. Once the UEC had been passed in the first reading, additional consultations were held with political party representatives and MPs to discuss outstanding, contentious, or problematic issues. A series of follow-on recommendations were made on signature collection, campaign financing and disclosure, candidate registration, contesting election results, criminal penalties, and operation of the CEC. The UEC was eventually passed and signed into law and has been used in parliamentary and presidential elections. The success of this initiative can be attributed to the on-going nature of the intervention, constructive working relationship between IFES and the legislative and executive branches of government and the political parties, and the organization's sensitivities to cultural considerations.⁵³

In Kyrgyzstan, codification of electoral law helped mitigate the negative ramifications of several election decrees issued in random

⁵² See *Preliminary Overview of Findings and Recommendations: A Comparison of Kazakhstan's Electoral Experience and Anticipated Problems in Tajikistan*, IFES: Washington, DC, 1994.

⁵³ Based on an interview with Dorin Tudoran, IFES Project Director in Moldova and IFES' *Report on Legal Assistance to Moldova*, which includes the draft UEC and legal commentaries, IFES: Washington, DC, July 1997.

fashion and for particular elections. IFES made numerous recommendations for incorporation into a UEC on issues such as constituency delimitation, ballot security, and voting thresholds.⁵⁴ In Armenia, a UEC was adopted shortly after independence from the Soviet Union. Rather than alter the existing code system, IFES made suggestions to the parliament targeting widely perceived weaknesses in the legal framework. These dealt with such issues as ballot access requirements for political parties and candidates, rights of observers, independence of the Central Election Commission, and public posting of official results at polling stations.⁵⁵ The UEC was passed into law in February 1999 and reflected many of IFES' recommendations.⁵⁶

B. Lessons Learned and Best Practices

A number of lessons and best practices can be drawn from USAID's extensive involvement in technical election assistance in the area of voting rights and legal frameworks:

Legitimizing Assistance:

- The development of codes of conduct in tense electoral environments has served a number of constructive purposes. Codes of conduct have drawn political parties into the electoral process, particularly with regard to regulations governing their participation and facilitated a dialogue between political parties and election management bodies on contentious issues during the campaign. They have also established the accountability of both political parties/candidates and election management bodies/election officials during the campaign and built trust in the integrity of the election process and acceptability of its outcome.

⁵⁴ Interview with Anthony Bowyer, International Foundation for Election Systems.

⁵⁵ Interviews with Mark Braden, attorney at law, and Phyllis Greenfield, International Foundation for Election Systems.

⁵⁶ "National Assembly Passes Universal Election Code," in *Europe and Asia Report*, IFES: Washington, DC, February 1999, p. 11.

- Eleventh hour interventions aimed at changing select provisions of election law with the intent of reinforcing the legitimacy of the election result, by including provisions for domestic monitors or change the method of marking ballots, for example, need to be weighed against a number of other considerations. Such changes will have potential ramifications for voter education, poll worker training, and logistical and operational planning. The election commission may or may not realistically accommodate these changes in the days remaining before the election. Any failure to accommodate the changes might alternatively serve to undermine the integrity of the election process.
- Exploiting political openings within governing structures can advance voting and other political rights and exert pressure for internal reform even in environments where regimes publicly maintain their opposition to democratization. In certain contexts, such efforts may prove more effective than relying solely on advocacy by nascent non-governmental organizations that may have limited access, authority, or expertise. Interventions which seek to combine external, ie. non-governmental, with internal, ie. intra-governmental, pressures for reform have proven particularly successful.

Institutionalizing Assistance:

- Opportunities to affect Constitutional development or the drafting of fundamental legislation on voting rights, when seized upon, can have a lasting impact with respect to the development of political and electoral processes. This is because all subsequent enabling legislation must uphold constitutional guarantees and comply with fundamental laws.
- Public opinion polling can be an extremely valuable and productive tool in persuading political/ruling elites of the necessity and importance of legal reforms, providing a

tangible mandate for change, and building a consensus for action in support of specific reform proposals. However, the opposite may occur if support is absent.

- The provision of an extended, on-site, legal advisory capacity can facilitate the development of mutual trust and a constructive working relationship between the implementing organization and individuals or entities tasked with legislative reform. This approach allows advisors to effectively foster receptivity and responsiveness to the intervention. Sustained cooperation has also served to enhance the viability of recommendations with respect to underlying political, institutional, and logistical considerations. Having advisors on-site also provides for greater flexibility in the face of pertinent developments in the country, thus enhancing the timeliness, responsiveness, and utility of assistance.
- Assistance which incorporates a public hearing component to election law reform efforts may maximize the scope and impact of the intervention by raising awareness
- levels of and educating the public about electoral and associated reforms, such as decentralization of power and introduction of direct elections for local offices. It also tends to draw a broader and more diversified audience into the dialogue and builds momentum for action in support of specific reform proposals.
- Interventions aimed at codification of election and related legislation have served to eliminate inherent contradictions in which undermine the uniform and professional administration of elections and may place political participants in legal jeopardy and/or perpetuate their non-compliance. Such assistance may also foster a more comprehensive approach which favors electoral systems rather than legal frameworks in support of a particular type of electoral event.

In environments where foreign intervention in the drafting or auditing of election legislation is deemed too politically sensitive, the use of comparative analyses which document the ramifications of similar legal provisions in other countries have been markedly effective.

III. ELECTION MANAGEMENT AND ADMINISTRATION

A. Election Management

Background: The organization of credible elections is a highly complex undertaking requiring clear laws and procedures, detailed planning, efficient organization, complicated scheduling, intricate monitoring of activities, and meticulous execution. It is a political activity that must be above the political fray while remaining sensitive to the political processes at work within a country.⁵⁷ Specifically, the range of responsibilities assigned to election management bodies may include:

- Compiling and maintaining the registry of voters
- Preparing for and conducting elections and referenda
- Undertaking voter information/education programs
- Training voter registrars, election officials, and poll workers
- Informing political participants about the electoral process
- Ensuring the voting rights of all eligible voters
- Drafting regulations governing campaigns and elections
- Implementing and enforcing the election law
- Researching electoral policy and practice

⁵⁷ See Baxter, J. and Hawthorne, A., *Guide for the Planning and Organization of Local Government Elections in the West Bank and Gaza*, IFES: Washington, DC, January 1998, p. 1.

- Advising legislative and executive bodies on electoral matters.⁵⁸

International experts increasingly agree that, while the path to democracy and system of elections may vary from country to country, a number of guiding principles apply to election management bodies worldwide. By and large, these pertain to the independence, neutrality, professionalism, transparency, and accountability of election management bodies. The International Institute for Democracy and Electoral Assistance (IDEA) has developed a Code of Conduct⁵⁹ for the ethical and professional administration of elections which stipulates that:

- Election administration must demonstrate respect for the rule of law.
- Election administration must be non-partisan and neutral.
- Election administration must be transparent.
- Election administration must be accurate.
- Election administration must serve the voters.

Election management bodies that fail to fulfill any one of these conditions may undermine voters' and political participants' confidence in the integrity of the electoral process and legitimacy of the results.

To put the efforts of election managers into perspective, it is useful to consider the challenges they face around the world. For example, India has 590 million voters, Russia's territory covers 11 time zones, Indonesia is comprised of approximately 6000 inhabited islands, and South Africa has eleven official

⁵⁸ See the Administration and Cost of Elections World Wide Web site at <http://www.aceproject.org/main/english/em>.

⁵⁹ See *Code of Conduct for the Ethical and Professional Administration of Elections* on the IDEA World Wide Web site at <http://www.int-idea.se/publications/conduct/admin/intro.htm>.

languages. In lesser developed countries, literacy rates, power supply, transportation infrastructure, and phone lines can be a huge factor. The establishment of separate facilities for men and women in Muslim countries can double the organizational and logistical burden of administering elections. And finally, post-conflict situations such as Bosnia or Cambodia, and environments exhibiting extreme internal breakdown such as Haiti or Albania, present their own unique set of obstacles to efficient and credible election administration.

Organizing the Election Management

Function: Election management bodies can take of variety of forms that depend in large measure upon political, financial, cultural, and historical considerations. At a fundamental level, election management bodies will include executive and/or policy-making functions and may be either temporary or permanent institutions. An executive commission is responsible for the direct day-to-day preparations for elections. Its work generally begins far in advance of elections and its staff are full time employees. Executive commissions tend to be permanent and are typically found in countries with frequent elections and/or when a broad range of responsibilities such as on-going voter registration or voter education functions are required. Policy-making commissions, on the other hand, set policy for the overall administration of the election process, write rules and regulations, and resolve election complaints. Commission members generally meet on a part-time basis, with the day-to-day administration of elections left to a secretariat. Election management bodies may be either permanent institutions or temporary entities. In some countries, the features of both types of institution are combined. Under this hybrid model, some commission members serve on a full-time basis along with the staff of the secretariat.⁶⁰ Election management bodies can also be characterized according to the manner in

which members are recruited and institutional status:

- **Partisan** election management bodies refer to those commissions that have a truly representative mix of all political parties contesting the election.
- **Mixed** election management bodies are those which include both independent and partisan members, the latter of which may either have a voting or consultative role.
- In certain cases, the commission is actually a **part of the judiciary** and members of the commission are sitting judges.
- In the absence of a unique electoral management body, elections may be fully administered by a **government agency, ministry, or secretariat**.
- A **decentralized** system of election management delegates responsibility for electoral matters to local bodies.
- An **international commission**, as was used in South Africa and Bosnia and Herzegovina, where foreign representatives are given membership or even leadership of election management bodies to ensure their functionality and legitimacy.⁶¹

Below the national election management body there are typically several levels of subordinate commissions. The number will depend upon the size of the territory in which the election is being conducted, the size of the electorate, the type of representational system employed, and complexity of the administrative process. The national election management body may be responsible for coordinating and/or supervising the activities of the lower level commissions and must ensure that they carry out their duties consistently and uniformly, in full transparency and compliance with the law, and in accordance with the election timetable.

⁶⁰ *Guide for the Planning and Organization of Local Government Elections in the West Bank and Gaza*, by Joe Baxter and Amy Hawthorne for IFES: Washington, DC, January 1998, pp. 1 - 5.

⁶¹ Ibid.

Permanent Versus Temporary Commissions:

Proponents argue that permanent electoral management bodies provide for continuity and stability of election administration, are better suited to integrate lessons learned and apply best practices, provide for institutional memory, and can assume a wider range of responsibilities and tasks with greater efficiency than temporary entities. At the very least, issues of readiness and attention to reform are two of the principal rationales in favor of creating as much permanency in the body as possible. Such permanency may be established under the constitution or by statute.⁶² The constitutional option is seen as a safeguard against governmental or political manipulation of the structure, role, or responsibilities of election management bodies either by dictate or parliamentary procedure. Such a situation occurred recently in Slovakia, where the government transferred a significant amount of responsibility for election planning and preparation from the election commission to the Ministry of Interior.⁶³

The traditional argument in favor of temporary election management entities has been cost. Limited tenure of staff and the likelihood they will be borrowed or seconded from other divisions of government may contain costs. Some have also suggested that their limited nature of operation may better focus administration and increase efficiency.⁶⁴ Yet, one recent study calls into question this conventional wisdom. It suggests that, in general, elections run by ad hoc or newly established commissions are costlier than those administered by more experienced permanent bodies.⁶⁵

⁶² See the Administration and Cost of Elections WorldWideWeb site at <http://www.aceproject.org/main/english/em>

⁶³ See MSI Case Study on Slovakia .

⁶⁴ These arguments are presented on the ACE WorldWideWeb Site. See Electoral Management/National/Temporary Body.

⁶⁵ Editor's Note: This citation taken from *Electoral Management Bodies as Institutions of Governance* (4 May 1999 Draft). Prepared by Professor Rafael Lopez-Pintor on behalf of the International Foundation for Election Systems for the

The utilization of temporary bodies may also stem from the fact that governments give little consideration to election management issues between elections. In fact, election management is a service capable of being ignored or overlooked when elections are not imminent. Yet, the period between elections may provide an excellent opportunity to undertake policy or legal reforms, introduce administrative innovations, pursue modernization through the application of election technologies, engage in strategic planning, institute voter registration on an on-going basis, or conduct voter education programs. Whether permanent or temporary, an election management body must be independent, structured in such a way so as to insulate it from individuals, organizations, special interests, or others with an interest in the outcome of the election.⁶⁶

There is no single "right" model: each has its own benefits and limitations with respect to authority, independence, impartiality, competence, commitment to the electoral process, professionalism, efficiency, and cost implications. The fact that no two countries are exactly the same requires a diversified and specially tailored approach to technical assistance.

Context For Assistance: Much of the US assistance for elections management has been concentrated in conflict or immediate post-conflict situations or in breakthrough elections when a country is transiting from an authoritarian model to democracy. In conflict or immediate post-conflict situations and where institutions are distrusted or untried, much if not all the responsibility for management of the elections will be borne by the election assistance provider(s).⁶⁷ In breakthrough elections, assistance may include elements to help assure

United Nations Development Program, Bureau for Development Policy, p. 70. Special permission for use of the citation is required by the UN and has been requested through IFES representative Pamela Reeves. Confirm the permission to use citation has been received before going to print.

⁶⁶ Ibid.

⁶⁷ Frequently, this will consist of a consortium of assistance providers.

the legitimacy of the process as well as efforts aimed at helping to institutionalize an incipient election management capability. A perhaps lesser, but no less important, amount of assistance has also been directed at consolidating elections to aid in enhancing the capacity, efficiency, and professionalism of the election management function.

The type of intervention chosen will depend on many elements: the available timetable and financial resources, the political environment, the complexity of the election, and the type, capabilities, accessibility, and cooperation of the election management body. In fact, building trust and constructive working relationships with election management bodies can be a tricky business touching upon national sovereignty, political considerations, professional sensitivities, jurisdictional conflicts, and divergent expectations. Particularly in those situations where legitimacy is the primary concern, it is not uncommon for USAID to engage in risky election management interventions where the relationship between the assistance provider and the election commission is tenuous or even non-existent.

Legitimizing assistance will attempt to guarantee that the elections can be pulled off logistically and technically by a commission structure deemed to be sufficiently independent, neutral, professional, and transparent. In environments where permanent election management bodies exist or are planned, institutionalizing assistance will focus on building the capabilities of election commissions and ensuring enhanced performance of the electoral system as a whole.

Assistance Approaches: US assistance in election management is wide-ranging and includes such diverse areas as election calendar development, commodities procurement, technology applications, strategic and operational planning, logistics, budgeting, forms design, training and professional development, internal and external communications, and organizational, records, and human resources

management.⁶⁸ While the acknowledged primary provider of assistance for election management has been IFES, NDI, IRI, and the African American Institute (AAI) have also carried out periodic assistance in this area. In addition, other organizations such as the Elections Assistance Division of the United Nations (UN), CAPEL, the Organization for Security and Operations in Europe (OSCE-ODIHR) and the Institute for Democracy and Election Assistance (IDEA) in Sweden, have carried out extensive assistance in election management. On certain projects and in programming environments of significance to the international community, particularly post-conflict settings, IFES has worked jointly or in tandem with a variety of international and multi-lateral organizations, including the UN, OAS, Inter-American and World banks, and OSCE. In cases where a lower American profile is warranted, political concerns exist, peace agreements identify a multi-lateral organization as the lead technical provider or where US funding for IFES activities has either been passed through other organizations or IFES personnel seconded to them. This was the case in with respect to the OSCE in Bosnia and Herzegovina (1995-1996) and Albania (1997) and the UN in South Africa (1994).

Elections Management Assistance Under Conflict Conditions: In environments ravaged by war and internal conflict, with non-existent or minimal local management, financial, and material resources, primary emphasis may be placed on basic functions of identifying, procuring, shipping, receiving, distributing, securing, and retrieving basic election commodities. In such cases, it would not be possible to conduct elections without significant international assistance. These are typically elections that exhibit intense diplomatic interest and involvement and, consequently, where the intent of aid is to ensure the legitimacy of the result. While such assistance has proven critical to the actual conduct of elections in a number of settings, the results with respect to legitimization

⁶⁸ Assistance in the area of voter registration is also prevalent and is discussed in considerable detail in the next section.

have been mixed. Even if the conditions for holding them are far from ideal, elections are seen as a necessary means of resolving conflicts or at least reducing tension. This may be especially relevant when the incumbent regime or opposition are not really committed to change, i.e. when settlements are imposed from outside, or where trust between opposing or warring factions has not been built. Haiti, Albania, Cambodia, and the Republic of Congo provide examples where international assistance in the area of election management under conditions of conflict proved pivotal to the conduct of elections but did not ultimately -- or has yet to -- secure the legitimacy central to political stability.

Commodities assistance has played an important role in implementing elections. The types of commodities assistance undertaken by USAID through IFES have included the provision of ballots, ballot boxes, ballot box seals, secrecy booths, indelible ink and optical scanners, computer hardware and software, printers, copying machines, radio equipment, fax machines, light sources, batteries, photographic equipment, mobile sound systems, vehicles, and basic office supplies. This assistance has been rendered in countries as diverse as Haiti, Republic of Congo, Liberia, and Yemen.⁶⁹ As noted earlier, the complexity of the election and the level of co-operation afforded by the election commission will influence the amount of financial and human resources and time required to undertake such assistance. Haiti and Liberia provide somewhat contrasting situations.

Box 3a: When Election Management Bodies Have No Interest In Ensuring the Conduct of Elections, The Example of Haiti

IFES was selected to assume responsibility for ballot procurement for the 1995 presidential, legislative, and local elections in Haiti when the United Nations Electoral Assistance Unit (UNEAU) and the USAID Latin

America Bureau concluded that the UN could not effect the procurement of ballots in a timely matter. This proved a daunting task. Separate ballots were used for each type of election and needed to accommodate successive rounds. The legislative and local elections *each* consisted of four rounds, with one round for presidential elections. The total number of candidates for all rounds and types of elections approached 28,000. According to the evaluation, the Provisional Election Council (CEP), headed by Anselme Remy⁷⁰, was extremely uncooperative and ultimately responded only to pressure by the US Embassy and USAID Mission in Port au Prince. Despite this, the CEP routinely undermined the efforts of IFES by changing ballot specifications long after various printing related deadlines had passed. Corruption and a limited commitment to elections were seen as the root causes of the discontent over the procurement process being removed from the purview of the CEP. Ultimately, IFES ensured that candidate data bases were created, candidate lists generated, ballots designed and proofed, and some 30,814,260 ballots printed, packed, and labeled as per CEP specifications by the Sequoia Pacific Systems company in California and shipped to Haiti via military transport, chartered flights, and other freight carriers. Despite these challenges, IFES did succeed in delivering all ballots in time to conduct elections as scheduled and at a lower cost than proposed by local vendors. It trained a cadre of IT

⁶⁹ In some instances in Latin America and the former Soviet Union, a pool of equipment has been made available for loan rather than donated to election commissions.

⁷⁰ Mr. Remy was ultimately replaced by Michel Sanous, at which point the overall management of the CEP and the relationship with IFES greatly improved, although by that time, most issues relating to ballot design and procurement had already been determined.

managers on the creation and maintenance of candidate databases.⁷¹

Despite the factors working against the realization of local, legislative, and presidential elections in Haiti, a number of factors are credited with the success of the intervention. IFES personnel on the Haiti project cite the proactive involvement of the US Embassy and USAID mission in Port au Prince and their willingness to pressure the CEP and politicians at the highest levels as well as the ability of the printing company to accommodate, what were unreasonable changes to ballot specifications⁷². For the presidential elections in Liberia, IFES also assumed responsibility, in cooperation with the election commission, for the procurement of ballot paper and printing of ballots. In contrast to Haiti, the complexity of the interventions was considerably less in Liberia as there was only one election with a mere 13 candidates on the ballot. The fact that ballots could be printed in neighboring Ghana further reduced the logistical burden. While the election commission could not be considered fully functional, it was able to render decisions in a manner responsive to and respectful of printing, packaging, and distribution schedules. Nor was pressure by the USAID mission or the US Embassy in Liberia required to secure their cooperation.⁷³

Breakthrough Elections – Legitimizing the Process: While good strategic and operational planning is often critical to the success of the election management organization, countries holding breakthrough elections are rarely in a position to carry out a diligent planning process. And when the timetable for preparing elections is hurried, assistance efforts may encounter serious limits. Whether or not an election commission is functional and its members have any management or election administrative experience will determine both the extent of the

need for such assistance and subsequent expectations regarding its impact. When elections are called on short notice, are outside the election calendar, or are administered by newly appointed bodies, the planning process may be virtually non-existent with preparations prone to confusion and disarray. Under such circumstances, assistance may be limited to particular areas of the process such as budgeting, calendar development, or logistics. In the Republic of Georgia, assistance in budgeting for elections was done to secure sufficient and timely government funding, and to attract international donors to cover gaps in financing. In Liberia, the UN and IFES undertook a two-week mission in September 1993 to formulate a realistic budget for the 1994 elections, assess the resources available to the ad hoc election commission, and analyze the needs for external funding.⁷⁴

Although development of a reliable election calendar is instrumental in establishing the credibility of an election management organization, it is not unusual for newly appointed election commissions in transitional environments to respond to each political or administrative requirement as it arises with little regard to what lies ahead. Commission members may also be caught off-guard by the concurrence of several deadlines stipulated in the multiplicity of laws and regulations governing campaigns and elections, e.g. election law(s), campaign finance law, political party law, media law, and civil and administrative codes. In environments where specific dates or deadlines are not identified in the law, but are made contingent upon certain events, confusion may be further exacerbated. Disagreement may also emerge on how to interpret the law with respect to deadlines.

⁷¹ *Final Evaluation and Impact Assessment*, Cooperative Agreement 521,0245-A-00-5019-00: Ballot Procurement - Haiti Election Support Program, IFES: Washington, DC, 1995.

⁷² Interview with Steve Connolly, International Foundation for Election Systems, 25 February 1999.

⁷³ Ibid.

⁷⁴ In addition, the joint team developed a preliminary list of tasks to be undertaken by the commission along with a tentative election calendar and work plan for the commission. For more information, see *Report on the Joint UN/IFES Mission on Electoral Process in Liberia*, by Thomas Bayer and Maria Helena Alves for IFES and the UN respectively, September 1993.

Box No 3b: Forward Planning and Clarity of the Election Calendar

In the Republic of Montenegro, regarding deadlines tied to the date of the election, it was not clear whether the date of the election itself was to be included when counting. So misunderstood was this provision that at one point during the election campaign, the Republican Election Commission (REC) and a municipal election board printed announcements in the national newspaper that appeared on the same page and identified different deadlines for the submission of signature petitions in support of political party candidate lists. The reason for the discrepancy? The REC had counted the election day when calculating the deadline, while the municipal election board did not.⁷⁵ In an attempt to alleviate confusion, IFES included an election calendar and enumeration of important deadlines in its candidate handbook. This was the only published election calendar to appear during the course of the election campaign. Information on deadlines for registration and request of special voting services were also included in voter education leaflets.⁷⁶

Assistance in situations such as these can be instrumental to maintaining clarity in the election calendar and in meeting deadlines, elements that are often crucial to the credibility of the process.

As the example shows, forward planning and clear calendars are essential tools of any election manager. Without them, an election body is in a poor position to assist voters, candidates, political parties, election monitors, and even subordinate election workers in meeting the deadlines that affect them. With basic rights at

stake, such as voter eligibility, certification of candidate lists, and/or the redress of grievances, an authoritative election calendar is essential to avoid confusion or political manipulation of dates and deadlines. In some countries in Africa, Asia, Central Europe, and the former Soviet Union, the US has provided support for the development of election calendars. In some cases assistance has been given to election management bodies so that they could better tailor their calendars to meet the needs of election participants. In the case of Russia for example, the CEC had developed a functional election calendar. While it did aid specific departments in meeting their administrative deadlines, it did not provide a master calendar to facilitate overall election management or provide political parties with pertinent deadlines. For this purpose, IFES helped the CEC develop a master calendar, organized chronologically. Frequently, work with a commission in calendar development is accompanied by voter education or political information programs. In countries, such as Liberia, the development of an election calendar has set the stage for the creation of a workplan.

Advisors also may be called upon either to directly devise or assist election managers in developing logistical plans for the reception, distribution, and recovery of both secure and non-secure election commodities, such as: ballots, stamps, seals, indelible ink, ballot boxes, secrecy booths, training materials, and voters lists. Additional planning to provide for commodities tracking and inventory control may also be required. This is typically done in countries that are also receiving some form of commodities assistance from the international community, such as in South Africa or Haiti. At the same time, such interventions may be prudent where concerns have been raised about the security of election materials transfer and storage.

Significant assistance has also been provided to make election administration more efficient, credible, transparent, and/or sustainable through the application of data processing technology. Targeted assistance has been directed at the creation of databases of voters and candidates,

⁷⁵ Unpublished project report on technical election assistance to the Republic of Montenegro, prepared by Catherine Barnes for IFES: Washington, DC, July 1998.

⁷⁶ Ibid.

the utilization of security and flagging systems to deter or identify fraud, the attainment of more efficient voting and counting processes, the enhancement of transparency in election administration, and improved communications between parts of the election management structure. Typically, such assistance may start with a technical evaluation, planning mission, or development of operational guidelines. If resources permit, assistance may also extend to equipment procurement, software design, network and database construction and management, forms design, development of quality standards, testing requirements, and security systems, and training and technical support. Such work has been done in the Dominican Republic, Jamaica, Guyana, Nicaragua, Venezuela, South Africa, Bosnia and Herzegovina, Eastern Slavonia, Ghana, Ukraine, Russia, and the Philippines.

More comprehensive IT programming, such as the “Supporting the Electoral Process (STEP)” project in Ghana, require a sizable financial investment. This type of assistance tends to occur when certain components of the election process, typically voter registration and tabulation of results, have been handled poorly in the past and threaten to compromise the integrity of the election process and legitimacy of the results. (The STEP program is discussed in greater detail in the next section) These comprehensive efforts have also been carried out in Bosnia and Herzegovina, where assistance provided for the creation of databases of political parties and candidates, observers and monitors, and election administrative personnel. IFES also assisted in the production of provisional and final voters lists of 3.5 million people, the design of systems to assist with the registration of refugees and perform tabulation of results and allocation of seats, and the provision of up to the hour election results. In South Africa, IFES supplied more than a half dozen technicians to the election commission to facilitate software quality control, algorithm testing, risk management, vote tabulation, systems development, network management, information processing, and programming. Among other things, this effort led to several accomplishments including: better management

of election personnel, the creation of contingency plans for extreme circumstances, the discovery of attempts to manipulate the tabulation process, the introduction of corrective measures, and the provision of “real time” results reporting.

Assistance To Consolidating Elections – Institutionalizing Election Management

Capabilities: In program environments where there are extant election management bodies or where restructuring of the election management system is anticipated and when there is sufficient time until the next election, an opportunity for more comprehensive strategic planning and institutionalizing assistance may exist. If an election management body is functional or one has just been appointed, expert teams can work with leadership to facilitate the strategic planning process, develop coherent and viable strategic and operational plans, monitor implementation, and assist with evaluation. This has been done both through on-site technical assistance projects and periodic visits. In environments where such a permanent institution does not yet exist but is planned, expert teams may work with a temporary entity, organizing and evaluating its functions with an eye to creating a permanent institution. For example, in Malawi two IFES advisors analyzed the internal structure of the Electoral Commission Secretariat to develop a more efficient organization and work plan, examined financial controls and accounting systems to determine where such functions would be located in a permanent organization, and solicited feed-back and proposals from commission members and staff.⁷⁷ If neither temporary nor permanent bodies exist or are not functioning, interviews can be conducted with participants in previous elections, including administrators, poll workers, political party and NGO leaders, candidates, elected officials, voters, and monitors. Data collected from the interview process taken together with an analysis of election and other pertinent laws can be used to develop planning guidelines for future

⁷⁷ Final Activity Report: *Strengthening Democratic Institutions in Malawi*, by Laurie Cooper for IFES: Washington, DC, 31 May 1998.

election management bodies. West Bank and Gaza provide an interesting example of this approach:

Box 3c: Improved Professionalism and Credibility Through Strategic Planning in West Bank and Gaza

In preparation for local elections in West Bank and Gaza under new legislation and in anticipation of jurisdictional problems relative to the formation of the legally mandated Supreme Elections Committee for Local Elections, the Ministry of Local Government, and the permanent Central Election Commission, an IFES team undertook a review of the new election laws and conducted extensive interviews with a plethora of stakeholders in the 1996 legislative council and executive authority elections. On the basis of this information, the team developed a comprehensive guide addressing major components of election management and administration including: election law, election administration, voter registration, candidate qualification, logistics, election day operations, training, voter education, and public relations. The aim of the guide was to enhance the capacity of election officials so that when local elections were called, they would be ready to respond with a high level of professionalism and credibility. Once completed and translated into Arabic, the guide was launched during a series of workshops for commissioners and staffers representing the Supreme Elections Committee and Ministry of Local Government.⁷⁸

⁷⁸ *Guide for the Planning and Organization of Local Government Elections in the West Bank and Gaza*, presented to the Ministry of Local Government and the Supreme Elections Committee of the Palestinian National Authority and prepared by Joe Baxter and Amy Hawthorne for IFES: January 1998. Interview with Amy Hawthorne, Program Officer, International Foundation for Election Systems, 23 February 1999.

Political developments with respect both to the peace process and the election cycle in Israel served to delay the administration of local elections in the West Bank and Gaza. Rather than suspending aid directed at the local elections, USAID through IFES used the interlude to promote advanced planning aimed at improved management and credibility through the above-mentioned guidelines. This was accomplished in a relatively short period of time and at a modest cost.

Perhaps the most routine form of assistance with respect to election management has been the development of training plans, programs, and materials directed at voter registrars, election administrators, and poll workers. This type of intervention has frequently been introduced as a type of legitimizing assistance, ensuring the efficiency, consistency, accuracy, and transparency of election administration. The relationship between training and legitimacy has been elaborated upon in IFES' *Poll Worker Training Handbook*:

Training should not be considered a luxury. It is an integral part of election preparation. All the election materials that have been carefully purchased and organized will prove superfluous if the personnel responsible for running the balloting have not received adequate training. When procedures are not followed and poll workers lose control of voting operations, the resulting disorganization and confusion can quickly undo months of effort and waste a large amount of money in planning and procurement dedicated to organizing an election, potentially calling into question the legitimacy of the process.

At the same time, training also serves a vital institutionalizing function and will likely have long term benefits as election laws, management structures, and administrative procedures are reformed and professional development becomes a key objective.

Programs have been conceptualized, materials developed and training carried out with election commissions, training centers, non-governmental organizations, and political parties. While it is perhaps best to work directly with the designated electoral management body, under some political circumstances, the election commission may be uncomfortable, or even oppose, working too closely with a foreign organization in the provision of training. As such, it may be necessary to develop alternative strategies for building skill sets. In the Republic of Montenegro, for example, election officials preferred to review training materials while encouraging IFES to conduct direct training of government and political party appointees to election commissions. Conversely, the Republic of Serbia chose to restrict access to its programs both in terms of outside assistance and domestic participation. Given suspicions about the integrity of the government appointees and broader official efforts to undermine competing political interests, USAID and IFES sought to counter CEC restrictions by undertaking direct poll worker training of political party agents. In Slovakia, however, where key aspects of election administration were transferred from the election commission to the Ministry of Interior, USAID opted not to conduct poll worker training.⁷⁹

Although both direct and indirect (or cascade) training methods have been used with success, cascade training increases the potential number of trainees, builds internal capacities, and ensures that poll workers are instructed by indigenous personnel.⁸⁰ Despite the advantages of cascade training, time may be the determinate consideration in selecting a method. In the

⁷⁹ See MSI Case Study on Slovakia.

⁸⁰ Cascade training involves a training of training (TOT) technique whereby a core group of trainers is given instruction and subsequently tasked with preparing and mentoring a secondary cadre of trainers. Secondary trainers may be responsible for directly instructing poll workers, in this case, or a third level of trainers. The number of training groups will depend in large measure upon the size of the country, its administrative organization, and the number of poll workers to be reached through training.

Serbian example noted above, only three weeks remained between issuance of Yugoslav visas to the American team and the first round of elections.⁸¹ With so little time to implement the program, the core training group found themselves training actual poll workers rather than secondary trainers. Since the pool of available trainers was smaller, the number of poll workers reached through training was similarly diminished. A similar situation occurred in Yemen in 1993, when IFES personnel arrived only three weeks before scheduled elections. They were not in a position to make substantive changes to the training program devised by the SEC which was carried out directly by high level election officials who were otherwise distracted, conducting training in a rushed manner to oversized classes without reference materials.

The lessons learned in 1993 in Yemen were applied successfully three years later. Assessment and planning missions were conducted in October 1996 and January 1997 and a training team was on the ground a full six weeks in advance of elections. The SEC agreed to a decentralized system of training, ie. the “cascade” method, wider geographic reach, smaller classes designed to foster interaction and comprehension, and the development of supporting materials including a poll worker manual, training aids such as a simulations guide, and election day check-lists. The impact of this intervention proved more successful. The 1997 election took place with many fewer incidents of overcrowding, disorganization, and procedural irregularities than were reported in 1993. Reflecting this positive development, international observers remarked that most poll workers were well aware of their duties and administered the voting correctly, efficiently,

⁸¹ According to the *Republic of Serbia: Poll Worker Training Report, Phase I*: “Almost immediately, the IFES team found itself operating under the most challenging of circumstances. Foremost among these was bureaucratic intransigence, if not official antagonism. As a result, American members of the IFES tem were not issued entry visas until 3 weeks prior to the election, effectively halving the duration of the assistance project.” See page 3.

and impartially.⁸² As the Yemen example suggests, quite a variety of materials have been developed in support of training programs. These have included: training and adult education manuals, polling site and counting center guides, quick reference tools, videos, simulation kits, and election day checklists. These have been used in countries as diverse as Bosnia and Herzegovina, Dominican Republic, Ecuador, Guinea, Haiti, Madagascar, Togo, South Africa, Honduras, Malawi, Russia, Cambodia, and Yugoslavia. The value of a comprehensive approach to training, ie. one featuring reinforcing instructional and reference materials, is also illustrated in the case of Bangladesh:

Box 3d: Comprehensive Poll Worker Training in Bangladesh

In Bangladesh, the aim of assistance in the development of a training program, materials, and techniques was to strengthen the confidence and ability of poll workers to perform their duties effectively and impartially within a difficult political environment that continued to threaten the smooth conduct of credible and peaceful elections. Integral to this approach was the desire to elevate the standards of conduct to which election officials and poll workers would feel compelled to aspire and to concurrently promote public confidence in their integrity and competence. Toward this end, IFES experts assisted the Election Commission Secretariat Electoral Training Institute in the preparation of a single source reference in which polling procedures defined in law, articulated in regulations, and augmented by administrative rules were integrated into one comprehensive handbook; two quick reference guides, one for poll workers and the second for personnel manning counting centers; a strategy

and plan for cascade training; a training manual; and pledge and code of conduct for election officials that was intended to promote their sense of civic responsibility. The success of this two month project can be attributed to a combination of factors, among them: the timing of the intervention, ie. some four months in advance of elections; the application of strategic planning to the training function, the equal emphasis placed on *method* and end-product, full engagement of ETI staff in the conceptualization of the program and not just at the point of implementation, the use of innovative and inter-active training approaches, efforts not just to train poll workers but secure their personal commitment to a credible election, and the simultaneous nature of activities aimed at raising poll workers' confidence in themselves through training while bolstering public confidence in them through public information initiatives.⁸³

Many, but certainly not all interventions are aimed at temporary staff, such as registrars, poll workers, counting center personnel, and even regional level election officials. A variety of efforts have been aimed at improving the performance, and skills utilization of permanent commission members and staff. These include assistance in on-going professional development and human resource management and targeted training. In Paraguay, for example, IFES evaluated the personnel system of the Superior Tribunal of Electoral Justice (TSJE) and provided a set of recommendations for improving overall management. As part of this effort, interviews were conducted with TSJE staff nationwide. Based on the information collected, a database was created with individual profiles for every employee, including bio data, hiring date, education level, and pertinent skills.

⁸² *Final Report on the IFES Poll Worker Training and Parliamentary Elections in Yemen in 1997*, prepared by Amy Hawthorne and Ronald Wolfe for IFES: Washington, DC, 1997, pp. 26 - 54.

⁸³ *Election Official Training in Bangladesh: Project Overview and Recommendations*, by Linda Edgeworth, Steven Gray, Dana DeBeauvoir, and Thomas Edgeworth for IFES: Washington DC, October 1995.

With the installation of the database, the Human Resources Division was able to streamline the employee selection process, match skill sets to positions, and move away from cronyism toward professionalism. Building on these efforts, IFES experts worked with the directors of finance and human resources to identify policies, processes, and strategies to maximize the use of human resources. An operations handbook was also developed, detailing personnel procedures and criteria for a more service-oriented approach.⁸⁴ A similar intervention was undertaken in Nicaragua:

**Box 3e: Strategic Planning
and Organization Management
in Nicaragua**

In Nicaragua, IFES assisted in the administrative restructuring of the Consejo Supremo Electoral (CSE) and the subsequent design of procedural manuals to facilitate the effective implementation of the reorganization plan. This intervention began with a diagnostic of the CSE's administrative structure. Consultations the upper and middle-managers within the CSE to review recommendations for restructuring and the roles and functions of new divisions, such as a strategic planning unit, and modified divisions, in particular the general administrative unit. Workshops were also held with CSE officials to discuss the advantages and disadvantages of the proposed changes to the structure and institutional principles of the CSE. Meetings were also held with the heads of the functional divisions of the CSE and the general administrative unit to discuss these issues and assess the administrative support needs of each division and means of improving the delivery of services. In support of this process, training was provided for the CSE staff of the general administrative unit by the Academy for Educational

Development (AED). IFES experts also worked with the leadership to evaluate and execute the CSE's 1997 and 1998 work plans and operational budgets. Among the specific IFES recommendations adopted by the CSE were: the hiring of a new director for the general administrative division and the reassignment of the former director to a coordination position overseeing regional electoral councils, the hiring of a new director of finance, and the creation of an internal strategic planning unit.⁸⁵

An important component of this intervention was the emphasis placed on constructive criticism and viable solutions. A concerted effort was made to preclude any attempt to blame the general administrative unit for the myriad organizational problems being experienced by the CSE. The leadership, middle-management, and staff of the CSE were all given an opportunity to forward their ideas and raise concerns. Once a re-organization plan was accepted, execution of the plan was assured through the continued engagement of IFES and AED in the provision of staff training, the development of procedural manuals, and evaluation of work plans and budgets. In Cambodia, administrators were trained in a number of issues pertaining to temporary staff including recruitment, hiring criteria, and pay scales.⁸⁶

Training guidelines, activities, and products have also focused on specific departments or categories of personnel in the area of information technology in Ukraine and South Africa to public relations in West Bank/Gaza and Russia. In addition, international and regional professional associations have become

⁸⁴ *Paraguay: Solidifying Democracy*, Final Report on Cooperative Agreement AEP-5468-A-00-5038-00, IFES: Washington, DC, December 1998.

⁸⁵ IFES quarterly reports on Nicaragua, Delivery Order No. 802, AEP-5468-I-00-6003-00, for the periods July - September 1997 and October - December 1997, submitted to USAID.

⁸⁶ *Final Report on the Cambodia Electoral Assistance Project, 1996 - 1998*, IQC No. AEP 5468-I-00-6003-00, IFES: Washington, DC, 25 November 1998,

an increasingly important mechanism for specialized training and skills development. USAID has supported the participation of election managers in a number of professional associations in Central and Eastern Europe, Africa, Asia, and Latin America.

A. Voter Registration

Background: As the *Administration and Cost of Elections* (ACE) project aptly notes: At a fundamental level, the ability to exercise the right to vote is premised on the existence of a comprehensive and inclusive voter registry.⁸⁷ Rigor is required to safeguard the integrity of the registration process. If ineligible voters appear on the voters list, questions may be raised about the integrity of the list as well as the legitimacy of the election.⁸⁸ At the same time, flexibility is required to guarantee the protection of the rights of eligible citizens to enroll and vote.⁸⁹ If substantial numbers of eligible citizens do not appear on the voter registry, allegations of administrative exclusion may arise and thus serve to undermine the integrity of the voters list and the legitimacy of the election.

While the role of voter registration in identifying qualified voters and deterring fraud is fairly straightforward, it also supports other functions of election management including: recognition of political parties, sizing of electoral districts, determining the number and location of polling stations, identifying the number of ballots to be printed, allocation of resources, and providing voter information/education services.⁹⁰ Despite

its centrality, voter registration may or may not be carried out by the primary election management body. Models vary and jurisdiction may be spread between a number of local and national entities. For example, local administrative authorities may be responsible for updating and maintaining the list of voters in their constituency, a national secretariat may be tasked with creating a central list and lists for polling sites, and the Ministry of Interior may cross check the accuracy of the central list with its own files.

There is a very close relationship between the type of voter registration system employed in a given country and the nature and capabilities of its election and administrative structures. The three main systems for developing and maintaining voter lists, their relationship to the administrative infrastructure, and relative pros and cons are elaborated upon below:

Periodic List: This refers to a voter registry that is devised completely anew for each electoral event. Periodic lists tend to be used in countries where elections cannot maintain a continuous list, where population mobility is high, or where the citizenry is averse to the maintenance of lists of citizens by the government. This approach tends to be costly, is vulnerable to disruption, may incur the risks of a “rushed job”, and may require a longer campaign period.

Continuous Register: This refers to a list of voters that is maintained and continually updated to include the newly eligible, those who have changed residence, and to eliminate those who have died or moved away. Such lists tend to be current, require less time to compile the final voters’ list, provide ample opportunity for making changes, allow for consistent budget planning, and facilitate information sharing across levels of government. However, they

⁸⁷ See ACE on the WorldWideWeb at <http://www.aceproject.org/main/english/vr/vr10.htm>.

⁸⁸ See ACE on the WorldWideWeb at <http://www.aceproject.org/main/english/vr/vr11.htm>

⁸⁹ For an elaboration on the balance between rigor and flexibility, see the *Report on the Review of the Election Act 1930 - 1991 and Related Matters*, vol. 1 prepared by the Electoral and Administrative Review Commission: Queensland, Australia, December 1991.

⁹⁰ Willian C. Kimberling, “A Rational Approach to Evaluating Alternative Voter Registration Systems and Procedures,” in *Registering Voters: Comparative Perspectives*, ed. John C. Courtney,

Cambridge: Center for International Affairs, Harvard University, 1991, p. 10.

require an appropriate infrastructure and greater technical sophistication.

Civil Registry: This is a comprehensive database that includes vital information on all citizens and is usually maintained by the state. The voter registry is generated from this larger database. It can be updated regularly and voter lists can be generated on short notice. Costs are carried by the department or ministry of government responsible for the civil registry. While there are concerns regarding invasion of privacy or the inappropriate commercial use of information contained in the database, the system also places the election management body in a position of dependency to the agency maintaining the database.

Context for Assistance: It is very difficult to apply a “cookie-cutter” approach to the development of a voter registration system. There are a wide variety of factors that will contribute to the selection and implementation of a voter registration system. The politico-administrative framework of the country must be considered -- residence of the voter makes a difference depending whether the elections are to be conducted according to majoritarian representation or in single- or multi-mandate constituencies. As illustrated by the case of South Africa in 1994,⁹¹ it is possible to conduct presidential elections or parliamentary elections in a national constituency according to proportional representation absent voter registration. Multiple voting was deterred by stamping voters hands and identification documents. In the event of local elections or parliamentary elections, however, it does make a difference where voters cast ballots. Cost is

⁹¹ While voter registration was not required for the 1994 elections in South Africa, no particular cost savings were incurred as an extraordinary amount of money was spent on temporary ID cards, invisible ink and optical scanners. Moreover, problems were encountered in the allocation of both election personnel and commodities/materials. Subsequent local elections were conducted using a voter registry.

likely to play a major role. In Mexico, the development of a new registration and identity system cost in excess of one billion dollars.⁹² Financial resources, bureaucratic infrastructure, and human resource capability will influence both the complexity and administrative intensity of the registration system. Whether or not voting is to be compulsory will also influence the scope and dimension of the registration system. In addition to these other highly variable factors will also come into play:

Literacy Rates: In countries where illiteracy rates are high, personal contact between registrars and voters, through door-to-door interviews or at registration centers, is usually required.

Cultural Norms: These may have a direct bearing on what is deemed appropriate and acceptable with respect to election administration, for example the application of modern technologies to the voter registration process.

Climate: In less developed countries, climatic factors such as drought, the rainy season, planting, or harvesting could all affect the ability and likelihood of citizens to register to vote.

Political Environment: In countries plagued by conflict or internal tensions, question about the integrity of the voters list and legitimacy of the election are bound to surface. Under such circumstances, ensuring access by political parties to the voters list can be crucial to a credible election.

Development of adequate registration systems can be daunting. Many countries in transition have significant absentee populations, while others have systematically excluded large sectors of the population. Records may have been lost after a period of conflict or political violence; or they may have become deteriorated

⁹² Interview with Dong Nguyen, UNDP Elections Assistance Division. Mexico, February, 1999.

due to inadequate storage, inhospitable environmental conditions, or poor maintenance.

Assistance Approaches: Voter registration is a costly undertaking, often the most expensive component of election preparations.⁹³ It can also be extremely time-intensive. As such, interventions aimed at overhauling or automating voter registration systems will likely require significant investments of time and money. In Guyana, an IFES and Carter Center team estimated that the establishment of a new civil registry and voter registration system would take between four and five years at a cost of as much as \$6.5 million. In Ghana (see Box 3d), where USAID through IFES conducted what has been held as a cost efficient intervention, \$ 10.15 million was committed to improving the voter registration process over a period of three years. While there are low end options available, expectations regarding their ultimate impact may need to be appropriately adjusted.

Among the less expensive interventions aimed at improving the voter registration process are assessments and planning missions designed to develop a menu of applicable models, make recommendations as to their feasibility in the given program context, and outline subsequent steps to be taken. These activities may also serve to formulate objectives and standards to be attained regardless of the model employed. In some countries, the voter registration process and related complaints and appeals have been monitored and routine reports provided to election management bodies and/or responsible agencies on the performance and responsiveness of registrars, administrative authorities, election commissions, and/or the courts. If appropriate, the assistance provider may serve a “trouble-shooting” role as part of the intervention. Voter

education efforts also play an important role in motivating eligible citizens to vote and ensuring they know what to do in order to be enrolled or check their entry on the voter registry. If data entry is slow, a few computers and salary support for a limited number of additional personnel can also go a long way. Training of registrars can also be critical to the efficiency and credibility of the process.⁹⁴ Finally, assistance in the design of voter registration and related forms is also quite affordable. Each of these types of assistance has been provided by USAID. Illustrative examples are provided below.

Breakthrough Elections -- Legitimizing the Process: Assistance during breakthrough or transition elections for voter registration can be critical to the perceived legitimacy of the electoral process. In the Republic of Montenegro, registration systems were out of date and in many cases incomplete. IFES proposed to assist the Secretariat of Development and other responsible authorities to modernize, update, and systematize maintenance of an electronic register of all eligible voters in preparation for parliamentary and local elections. Massive problems with the voter registry during the presidential campaign - including the omission of many first time voters and a controversial decision by the Constitutional Court to revise the list between rounds of elections -- threatened to undermine the legitimacy of the election result. Due to the relatively late approval of funding for the project, however, major modifications were required to the scope of work. Arriving some 6 weeks in advance of elections, IFES assumed a “trouble shooting” role throughout the remainder of the campaign. Constant dialogue was maintained with the various entities responsible for voter eligibility, voter registration, adjudication of related disputes, and creation of the central, computerized voter registry and with the full range of political parties, minority groups, and domestic monitoring organizations. On the basis of reports of violations, IFES conducted spot checks in seven municipalities. It

7 The process of enrolling voters and producing voters lists often accounts for more than 50 percent of the overall cost of administering elections. For more information, see Harry Neufeld’s “The Range of Advanced Technologies Available for Elections Organizations,” in *Let’s Talk About Elections*, ed. Carl W. Dundas, London: Commonwealth Secretariat, May 1997, p. 58.

⁹⁴ Training is discussed in greater detail in the preceding section on election management.

then reported back to the political party or government entity in question about its findings; pertinent constitutional, legal, regulatory, and political issues; and -- where appropriate -- courses of action.⁹⁵

IFES assistance helped to put reticent registrars on notice that they were expected to perform their duties in full compliance with the law. They also helped to assure political parties that complaints were being processed, and advised the Secretariat of Development on options for dealing with continued deficiencies in the lists. These efforts were reinforced by voter education messages informing voters how they could check their entries in the voter registry and the deadline for doing so. Through its continuous interaction with all the participants in the electoral process on the issue of voter registration, IFES was able to offer a series of recommendations for general reforms and a set of standards for improving voter registration. IFES argued that the voter list must be: (1) a snapshot of the electorate at the time of elections; (2) responsive to voter changes; (3) accurate and inclusive; (4) simple and understandable; (5) elector specific, and; (6) open to the public while safeguarding against invasion of privacy.⁹⁶

As noted in the Montenegrin example, voter education can be as important to the voter registration process and turning out informed voters on election day. In South Africa, NDI carried out a number of focus groups prior to the first free local elections in 1995. Upon analyzing the data, NDI determined that a significant portion of the population had not enrolled and,

with the deadline approaching, would likely be excluded from the vote. NDI was able to press its case with the South African election commission and the registration deadline was extended and voter education efforts stepped up.⁹⁷ In Mozambique, NDI collaborated with the Electoral Administration's Technical Secretariat (STAE) on the production of 400,000 posters and 2,000 manuals on the voter registration process (for more information on this initiative, see Box 4a).⁹⁸

Outside assistance was also critical for the development of voter registration guidelines for efficient and credible management of West Bank and Gaza's first local elections. IFES experts identified three basic options: (1) revision of the existing voter registry, (2) development of a new registry, (3) or replacement of the existing registration system with a reliable election day identification system. After examining each, the team advised the Ministry of Local Government and the Supreme Elections Committee to pursue the first option. Since the existing registry was deemed 85-90 percent accurate, the second option was discarded as needlessly expensive, complicated, and time-consuming. Because of its potential vulnerability to manipulation the third option was also eliminated. A six-step plan was then devised for revision of the registry including: (1) printing of the voters list by precinct; (2) designing forms to collect voter information; (3) assigning at least one person from each precinct to collect voter information; (4) initiating a public information campaign encouraging eligible voters to check their entries in the voters list; (5) entering information manually onto voter registration, change of address, report of death, and correction forms and on the printed copy of the voters lists at the precincts, and; (6) central computer data processing while retaining hand written entries as a back-up safeguard for election day.

Simple approaches have also been shown to be very effective. For instance, the design of voter

⁹⁵ Taken from an unpublished project reports on technical election assistance to the Republic of Montenegro prepared by Catherine Barnes for IFES: Washington, DC, July 1988.

⁹⁶ See "Guidelines for the Enhancement of the Register of Electors in the Republic of Montenegro," in *Republic of Montenegro: Technical Assessment of Election System Performance, Parliamentary and Municipal Elections, 31 May 1998* prepared by Catherine Barnes, Daniel Finn, Chedomir Flego, Tom Parkins, Alexandra Levaditis, and Solveig Argenseanu for IFES: Washington, WC, May 1998, Attachment II.

⁹⁷ See NDI Report on South Africa.

⁹⁸ See NDI WorldWideWeb site at <http://ndi.org/moz.htm>.

registration and related forms is crucial to collecting accurate data that can be easily entered into computer systems and onto voter rolls. USAID has assisted in forms design in Haiti, Guyana, and Ghana. Problems stemming from poorly designed forms were highlighted in a USAID funded report on the 1996 elections in Bosnia-Herzegovina:

The forms were so poorly designed, from an information technology (IT) perspective that sometimes the data could not be processed . . . Any forms that will need to be processed by the IT Department must be approved by [them] in advance of their being printed. Careful attention should be paid to this issue to avoid the familiar “garbage in, garbage out.”⁹⁹

Forms design assistance can be provided by a single on-site advisor with a laptop, printer, and hard and electronic copies of sample forms from similar contexts. This is an inexpensive intervention that can avert serious problems down the road which undermine public confidence in the electoral process.

Malawi provides another example of how small, low technology interventions can make a significant difference. In this case, climatic factors, as noted in the background section, threatened the voter registration system. Specifically:

While visiting the offices of various district election commissions, the [IFES advisor] inspected the places where registers were kept. In most cases, the possibility of registers being destroyed was high; either by mold (caused by the humidity) or by bugs . . . [In response] IFES purchased 35 filing cabinets (one per district/subdistrict) and ten for the master list in the Lilongwe offices, with

supplies to organize the registers by constituency.¹⁰⁰

Institutionalizing Assistance - Building Institutional Capabilities: Rather than merely providing assistance to solve problems with voter registration, it may be more useful to assist in developing or enhancing the capabilities of local authorities to solve problems on their own. One of the most comprehensive and impressive USAID interventions in this regard was the highly collaborative Supporting the Electoral Process (STEP) project in Ghana. While the main objective was to strengthen the capabilities of the Ghanaian Election Commission, the project also created a highly accurate, current, comprehensive, and credible voter registration system. The project’s multiple dimensions involved automation of the voter registration process, introduction of a continuous list or civil registry, and adoption of national voter identification cards.

Box 3f: Modern Technology and Security Mechanisms in Ghana.

In Ghana, IFES worked with the Ghanaian Electoral Commission to plan and conduct an intensive voter registration process. The election law required that a computerized registry be created within six months of the closure of registration. With upwards of 10 million eligible voters, this proved a daunting task. In response, the GEC opted to use Optical Mark Recognition (OMR) scanning technology to compile the list. The introduction of this technology, which scans marks on the voter registration forms directly into the computer, allowed the commission to produce a computer registry within the legal time limit and at a lower cost than the more traditional method of employing hundreds of data entry personnel. At the same time, the IFES/GEC team worked to develop a system that emphasized security in the registration process to further augment

⁹⁹ Miller, J.; Penland, T.; Plath, R.; Sanchez, S.; Lansell, S., *Bosnia and Herzegovina Information Technology Mission*, IFES: Washington, DC, 1996, p. 20.

¹⁰⁰ Ibid.

the security features built into the voter ID card. This was done by including a unique voter ID number on each card which was also included on the scannable voter registration form. In fact, each perforated card was part of the voter registration form. Throughout the process the GEC kept accurate records of which voter registration ID numbers were issued to each of the 18,766 registration centers. The computer was programmed to reject any forms that did not originate from the proper center as well as all unused forms. As for the ID card itself, it contained either the voter's photograph or thumbprint and an ultraviolet security feature. Political parties were also engaged to provide an additional check on the registration process. All political parties in Ghana were given the ID numbers assigned to each polling station and access to the registration centers to record which forms were used and which were not. And, upon completion of the voter registry, political parties were eligible to receive hard and computer readable copies. In anticipation of the registration period, some 60,000 registrars and 80,000 political party agents were trained. A three month voter information campaign was also launched, which included the broadcast of 112 public service announcements on television and radio and a specially commissioned jingle. During the two-week registration period, some 9.1 million people, or 90% of the eligible population registered to vote. The entire registration process was carried out at a cost of about .99 per voter. This is quite economical as in many countries, ID cards alone cost in excess of \$1¹⁰¹

Planning between on-site IFES experts and GEC personnel began a full year in advance of the opening of registration and some 18 months before the legal deadline for completion of the

¹⁰¹ For more information, see *Elections Today*, vols. 5, and 6, IFES: Washington, DC, 1996.

computerized registry. The constructive working relationship between IFES and the GEC should not be underestimated with respect to the effectiveness of the project's strategic and operational planning. While the project was cost efficient, it was not cheap. The USAID Mission in Accra invested \$10.15 million to cover the costs of technical advice, assistance with technology needs and development, materials and forms design, training, and public information. The fact the OMR technology was not entirely foreign to Ghana probably also contributed to its successful application.¹⁰² Efforts to train political party agents and provide them with extensive access and oversight enhanced the transparency and security of voter registration and bolstered confidence in the integrity of the overall process.

Certain interventions are useful to help deepen or reinforce the security and transparency of the electoral registration system. Several countries in transition require new identification cards for each new election and this has led to considerable headaches and expense. Some, such as El Salvador, are attempting -- with USAID assistance -- to make the transition to a single identification document to avoid some of the problems described below:

Experience has shown that when the registration of voters is dependent on the otherwise qualified person having a national identification card as a condition for registration, it is easy for large numbers of persons who did not possess a national identification card to lose the franchise. Similarly, where a voter is required to produce both a national identification and a voter's card, unnecessary difficulties often arise with the loss of one or both cards.¹⁰³

¹⁰² The OMR technology had been used for years by the West Africa Exams Council in grading student tests.

¹⁰³ Dundas, C. *Compendium of Election Laws, Practices, and Cases of Selected Commonwealth Countries*, Volume 1, Part 1, London: Commonwealth Secretariat 1996, p. viii.

While ever more sophisticated voter identification documentation can build public confidence in the integrity of the electoral system, it can also be rather expensive. The system developed in Mexico not only includes a highly secure “voting credential” but also incorporates a color photograph of the voter on the voting list matching the photograph on the credential. While acknowledged to be a very secure system, it is also one of the most expensive.

B. Lessons Learned and Best Practices

The leading role of USAID in the provision of technical assistance to election management bodies reveals a number of lessons and best practices, among them:

Legitimizing Assistance:

- Assistance in the development of election calendars is a relatively inexpensive intervention that can greatly improve the quality of planning and preparations for elections. It can be instrumental to governments in maintaining clarity in the election calendar and in meeting deadlines, elements that are often crucial to the overall credibility of the process. It also serves to alert voters and political parties/candidates to the deadlines that affect them, thereby ensuring that individuals are not disenfranchised or particular groups excluded. Targeted interventions in logistical planning and budgeting are also relatively inexpensive forms of assistance that have been effectively used to enhance election preparation.
- Cascade training of poll workers/party agents has proven more effective in reaching large numbers of participants, building indigenous training capacities, and ensuring cultural appropriateness than direct training by foreign advisors. In addition, it typically lends itself to greater interactivity and comprehension than training carried out by high ranking election or political party officials. Experience has shown, however, that -- to be successful -- this multi-tiered

training requires considerably more time to carry out than direct training activities.

- The application of modern technologies, where feasible, has contributed greatly to the rapidity and transparency of results reporting. “Flagging” programs and related security software have also been used effectively to reduce opportunities for manipulation and identify and correct fraud. Generally, technological applications have served to increase public confidence in the integrity of the election process and legitimacy of results despite suspicions typically raised by some political elites.
- The combination of poll worker/party agent training programs and voter information messages informing the electorate of tangible efforts being undertaken to improve the professionalism and integrity of election administration can effectively build public confidence in the legitimacy of election results.
- Interventions aimed at increasing political party access to voter lists and at monitoring the compilation of the lists and handling of related grievances have contributed greatly to the transparency and security of voter registration and bolstered confidence in the integrity of the overall process.

Institutionalizing Assistance:

- The provision of an extended, on-site technical advisory capacity can facilitate the development of mutual trust and a constructive working relationship between the implementing organization and election management bodies. This approach helps foster receptivity and responsiveness to the intervention. Prolonged mutual cooperation tends to enhance the viability of recommendations as a result of increased awareness of and sensitivity to underlying political, institutional, and logistical considerations. It also provides for greater flexibility in the face of pertinent developments in the country which can

enhance the timeliness, responsiveness, and utility of assistance.

- When election law changes result in the introduction of permanent election management bodies or significantly expand the responsibilities of extant commissions, interventions in strategic and operational planning can greatly enhance the professionalism, capabilities, and potential of the new or modified institution. The absence of such interventions has, on occasion, contributed to weak and inefficient institutions that fail to fulfill either the letter or the intent of the law.

Support of election manager participation in international or regional professional associations has begun to be an increasingly cost-effective way, by pooling the resources of USAID missions in the field, to facilitate on-going training and skills development. And, experience sharing across borders serves to enhance the dissemination of information on lessons learned and best practices, thereby minimizing replication of the “process of elimination” in each country.

IV. VOTER EDUCATION

Background: To ensure that voters are aware of their rights and responsibilities some form of voter education will usually be required. Particularly under new and evolving electoral systems, the electorate will need to be familiarized with the voting process both to better guarantee the validity of their ballot and to help them make informed decisions. But even in advanced democracies, where electoral systems are well institutionalized and citizens well informed, election authorities and non-governmental organizations typically invest considerable resources in voter education. Such information typically covers voter registration, polling, and special voting services and is frequently targeted at multiple groups within the electorate including young and first time voters, women, linguistic groups, ethnic minorities, handicapped voters, and others.

In transitional environments, voter education/information is critical to ensure that both the electorate at large and previously disenfranchised are granted their voting rights. It is also important so voters know what to expect during the campaign and on election day in order that participation in the process is maximized and the integrity and legitimacy of the outcome secured. At a minimum, voters will need to know what is required to be eligible to vote, and where, when, and how to vote. Depending on the conditions and circumstances surrounding the election, they may also need more comprehensive information about the election process, their political and voting rights, and the candidates to be elected.

Typically, voter education activities fall into three categories.¹⁰⁴ These are:

¹⁰⁴ This discussion of the types of election information that can be provided, and much of what follows in this section draws heavily on “Administration and Cost of Elections (ACE) Project: Voter Education,” World Wide Web: <http://www.aceproject.org>, a joint project of the Institute for Democracy and Electoral Assistance (IDEA), the United Nations (UN), and the International Foundation for Election Systems (IFES), October 1998.

Voter Information refers to basic information enabling qualified citizens to vote, including the time and place of voting, identification necessary to establish eligibility, registration requirements, and mechanisms for voting. These activities can usually be implemented quickly and are usually critical to initial or breakthrough elections.

Voter Education typically pertains to broader types of information about voting and the electoral process. It is less concerned with the mechanics of voting and more with issues such as the link between basic human rights and voting rights, secrecy of the ballot, and legitimacy of the election. Voter education requires more lead time for implementation than voter information and, ideally, should be undertaken on an on-going basis.

Civic Education deals with basic concepts underpinning a democratic society such as the respective roles and responsibilities of citizens, government, political and special interests, the mass media, and the business and non-profit sectors as well as the significance of periodic and competitive elections. Civic education is a continual process, not tied to the electoral cycle. Voter information and voter education may be part of larger civic education endeavors.

This discussion focuses primarily on interventions in voter information and voter education as these are directly associated with electoral events.

Context for Assistance: One of the main reasons that international donors support voter information and education programs is so that voters will understand the electoral process and participate in such a way that integrity of the process is ensured and the outcome deemed legitimate. In many elections, particularly those preceded by a major political change, the USG’s aim will be to secure an acceptable election

result. Voter information and education interventions are implemented on the assumption that they will help create an informed electorate which in turn will help ensure the legitimacy of the election's outcome. In conflict or immediate post-conflict contexts with major international significance, such as the 1994 elections in Mozambique or in Bosnia-Herzegovina in 1996, donors have made significant and substantial investments in large-scale voter information programs, with the objective of securing a legitimate outcome.

Like other elements of election assistance, the scope of voter information/education programs sponsored by international donors will depend on the level of resources available and the time remaining before the election. Donor strategies may stress certain aspects of electoral assistance and specific objectives, but time and resources will, in most cases, act as practical constraints on what donors can hope to accomplish. One way to stretch limited funds is for international donors to actively coordinate electoral assistance, including voter information/education initiatives. This approach was employed in several important transition elections, for example Mali in 1992, Cambodia in 1993, Haiti in 1995, Bosnia-Herzegovina 1995-1996, and Ghana in 1996, and is most likely to occur when the election is so important to the international community that extensive resources will be invested to ensure its legitimacy.

In some post conflict settings, interventions aimed at securing the legitimacy of the election outcome have emphasized the participation of refugees¹⁰⁵, internally displaced persons, and/or ethnic groups. During the 1996 municipal elections Bosnia-Herzegovina, for example, a successful election information campaign was conducted by IRI. This program was carried out

amongst refugees in Croatia and contributed to very high rates of voter registration and turnout. Of all the affected countries in the former Yugoslavia, the Bosnian refugee population in Croatia had the highest registration and turnout. Approximately 80% of refugees who registered voted.¹⁰⁶ Conversely, the Liberian elections in 1997 provide an illustration of the adverse affects that a non-existent or inadequate voter information effort can have on the legitimacy of the election outcome. Only an estimated 10-20% of Liberian refugees in Cote d'Ivoire and Guinea voted due to security issues, limited access to information, and logistical constraints; those refugees who did not participate reported that they felt alienated from the process.¹⁰⁷

In countries where the electoral process is somewhat more established but not yet fully consolidated, the USG may not only focus on assisting with immediate problems of voter information activities but also on building the capacity of local institutions to more adequately administer the voter information and education components of the election process. These sorts of interventions serve a double purpose – to produce a more informed and participative electorate and thereby assure legitimate electoral results and assist in strengthening the capacity and sustainability of the entities that carry out these functions. In certain contexts, and depending on the international significance of the country, investments may be just as large as those in conflict countries (but with perhaps greater likelihood of positive results.) In countries such as El Salvador, Nicaragua, and the Philippines, multi-year, large-scale investments have been made (with varying degrees of success) to bolster the capacity of local institutions to undertake voter information and education activities. While each of these countries was in the process of democratic consolidation, concern about diminishing participation in elections prompted greater

¹⁰⁵ Because of the diplomatic considerations involved, USAID generally does not directly assist refugees. It may provide some funding, but for the most part refugee assistance is channeled through the Department of State or international bodies such as the U.N. or the OSCE.

¹⁰⁶ See the IRI World Wide Web Site at <http://www.iri.org>.

¹⁰⁷ Jeffrey Farr, Anuschka Meyer, Anna Schowengerdt, and Victor Tanner, *Refugees in Elections: the Liberian Experience*, Refugee Policy Group: Washington, DC, August 1997.

emphasis on strengthening local voter education capabilities.

It is worth noting that voter information/education programs may not be feasible or will be extremely complicated in certain contexts. If the rules governing elections are in a high state of flux in the midst of the election campaign, it may be virtually impossible to provide current and factual information given the time considerations imposed by production, print, and distribution schedules. In a worst case scenario, information previously provided but rendered inaccurate by last minute changes to election laws can serve to exacerbate confusion and may contribute to negative impressions of the integrity of the electoral process and validity of the results. During the 1998 parliamentary and local elections in the Republic of Montenegro and local elections in the Republic of Georgia, for example, 11th hour amendments to election legislation placed extreme challenges on international and domestic implementing organizations as they tried to clarify what was expected of voters on election day.

Moreover, if voters are aware that the election is being manipulated, international donors may want to undertake a more neutral form of intervention, such as election observers. In the Parliamentary elections in Slovakia in fall 1998, for example, the ruling party manipulated the election law, added a referendum to the ballot, and banned private broadcast media from covering the campaign in the weeks preceding the election. Under these circumstances, USAID opted to restrict its support to observing the election, critiquing the election law, and monitoring media coverage; all activities that permitted the U.S. Government to stay involved, but to maintain a neutral presence¹⁰⁸. Where one or more political party or coalition threatens to boycott an election, the provision of any information intended to promote voter participation may assume a partisan quality and may inadvertently serve to legitimize a flawed or fraudulent process. This was the case in Serbia in 1997, where a portion of the democratic opposition called for a boycott elections while

their former coalition partners opted to contest the elections and encouraged their supporters to go to the polls. Given the extreme polarization of the political factions and the electorate, IFES recommended and USAID agreed that the USG should not fund a voter information campaign.¹⁰⁹

Voter information/education campaigns, while essential, may also be perceived as a challenge to existing authorities and power structures, and thus assume an air of controversy. This is especially true when voter information/education campaigns target populations that have previously been excluded from participation in the political process or are perceived to be homogeneous in their political affiliation. In some cases, efforts to reach targeted audiences will conflict with cultural norms, such as those governing the role of women in society¹¹⁰. In an assessment of women's participation in the 1993 elections in Yemen, NDI noted that although Yemen's legal system provided equal access to the political process for men and women, in practice women often faced obstacles to political participation. Fewer than 500,000 women registered to vote in the April 1997 elections, in contrast to more than 2 million men. A government official noted that the most common reason that women failed to register was that their husbands were absent and the women feared they would be divorced if they registered without getting their husbands' permission. The traditional Islamist party in Yemen, al-Islah, actively encouraged women to register, but told them that voting for women candidates would be un-Islamic.¹¹¹ In the West Bank, an IFES assessment found that rules requiring the continued use of a poll tax for municipal elections served to disenfranchise people who were neither property owners nor wage earners. This group was, by and large, women.

¹⁰⁹ *Brief Voter Awareness Assessment Prepared by the IFES Serbia Team*, IFES: Washington, DC, August 1997.

¹¹⁰ ACE Project.

¹¹¹ *Promoting Participation in Yemen's 1993 Elections*, National Democratic Institute for International Affairs: Washington, DC, 1994.

¹⁰⁸ See MSI case study on Slovakia.

Assistance Approaches: Particularly in conflict or post-conflict contexts, but also in breakthrough elections, where good turnouts are vital to assure the legitimacy of the electoral exercise, USAID most frequently turns to one or more of its international partner organizations, the International Foundation for Election Systems (IFES), the International Republican Institute (IRI), and the National Democratic Institute for International Affairs (NDI), for assistance with voter information/education campaigns. The decision to use one of the international partners will be conditioned by the amount of time and resources available, the capabilities of local entities (part of the logic for using the international partners is the lack of local groups with experience or the capability of mobilizing resources particularly when a given country is moving from an authoritarian to a more democratic model), and the nature of the targeted constituencies. Political considerations can also come into play where donor agencies need to maintain a low profile or where the implementing organization needs to be perceived as non-partisan. If available and capable, the international partner organizations may work with local groups.

Each of USAID's international partners has developed considerable experience and proven techniques for quickly mobilizing voter information efforts, and though perhaps unintentional have developed certain niches for assistance. IFES has specialized in official voter information programs conducted by election authorities. In some instances it has worked with NGOs and schools to initiate voter education programs in partnership with election authorities. NDI has focused largely on voter education -- as well as civic education -- carried out by NGOs. Very often, it cultivates new organizations for this purpose. For its part, IRI has prepared political parties to undertake voter information and outreach activities. While maintaining their expertise in these areas, both IFES and NDI have broadened their range in recent years and now undertake activities in all three categories.

Assistance Under Conflict Conditions/For Breakthrough Elections: In conflict or post-

conflict environments, there are usually few institutions to work with capable of delivering mass voter information programs. That being the case there is often considerable reliance on the media for dissemination of voter information messages. Radio is an extremely important medium in transitional countries, particularly in those where a majority of households do not have televisions or where frequent power outages interrupt broadcasts. Radio advertising, jingles, and even theme songs -- which can also serve as background for television spots or be performed live at special events -- have been a hallmark of USAID assistance. In Haiti, IFES hired a popular local band to produce a rap song in Creole that informed young people why, how, and when to register to vote and in Ghana, it commissioned a special -- and soon to be popular -- jingle "Voting is your right . . . so let's register."

A variety of print media can be used if literacy and readership are high, distribution reliable, and purchase prices -- if any -- are reasonable. In addition to taking out advertisements, posting announcements, or featuring articles in newspapers, special publications, such as bulletins, newsletters, or leaflets may be prepared. For younger voters, as well as those who are illiterate, more visual publications, such as comic or picture books have proven successful. Posters, banners, billboards, and fliers are also frequently used to attract attention and communicate a message. In Montenegro, IFES developed targeted leaflets for young people, women, and the Albanian minority. IFES has also designed leaflets and polling site posters on the voting process for use in Georgia, Armenia, and Azerbaijan. A poster campaign aimed at heightening women's participation was launched in the West Bank. And, a series of comic strip booklets providing information on government institutions and voters' rights were produced for a Voter Education Kit in Paraguay. Specialty items may also be employed, such as ballots, buttons, T-shirts and caps, stickers, and shopping bags; anything that can be printed with a slogan. In Mali, IFES printed and distributed T-shirts urging people to vote.

While many assistance efforts in voter information and education are for quick and relatively quick “fixes”, if the international political importance or significance of a particular case merits, the assistance effort can be very comprehensive, lengthy, and expensive. USAID election assistance in post-conflict environment of Mozambique illustrates a case in which USAID and other international donors concluded that the importance of legitimizing the results of the election justified a significant investment in election assistance.¹¹² Because of the level of funding provided and the duration of the effort, NDI was able to more clearly target its election information campaign and incorporate a wide range of activities in its programming. Although the high level of funding makes this case exceptional, it does demonstrate how USAID (along with other donors) can accomplish the political goal of securing an acceptable election.

Box 4a: Mozambique: A Comprehensive Approach

With USAID support, NDI advised and supported the Mozambican National Election Commission (CNE) in carrying out a national voter information/education campaign prior to the country’s first general multiparty election in October 1994.¹¹³ This work was part of a major, multi-national effort to ensure that the election was peaceful and that the results were valid and widely accepted. Using data from focus groups conducted in 1993 and 1994, NDI constructed a voter information/education program that it implemented in close collaboration with the CNE, the UNDP, and a variety of non-governmental organizations, political parties, and media outlets.

From the focus groups NDI learned that most Mozambicans valued the elections because they viewed them as a way to consolidate peace in Mozambique. This became the primary theme of the voter information/education campaign.¹¹⁴ The first challenge to be met by the voter information/education campaign was to encourage people to register. As part of the voter registration drive, NDI produced 30,000 posters that were pasted county-wide. This effort was supplemented by a training of trainers (TOT) program that instructed a core group of 200 people on registration and voting procedures. This network ultimately conducted more than 9,400 voter information/education events, including simulations, for almost 1.8 Mozambicans. These events were conducted throughout the country including some of the most remote rural areas. NDI then developed a set of voter information/education materials including: a video illustrating the mechanics of voting, a slide show, two editions of a voter education newspaper, a voter education backpack kit (which could easily be transported by educators and used in voting simulations), voter education manuals, and posters. NDI also worked with local artists, writers, and radio producers to create a drama, a women’s show, a live game show, public service announcements, and an election theme song. NDI provided training to Mozambican journalists, members of the CNE, and political parties, and supported Mozambican NGOs and others with small grants for voter education activities.

¹¹² According to the MSI case study on Mozambique, USAID provided \$23.3 million in assistance to the transition from war to peace and the elections process between 1991 and 1996.

¹¹³ *Mozambique: Vota Mocambique, Final Report, November 1993 to November 1995*, National Democratic Institute for International Affairs: Washington, DC.

¹¹⁴ *Vota Mocambique*, Prepared for National Democratic Institute for International Affairs: Washington, DC; *Centro Latino Americano de Investigacao de Mercado*, Louis Harris International; and *Mozambique: Vota Mocambique, Final Report, November 1993 to November 1995*, National Democratic Institute for International Affairs: Washington, DC.

NDI's contribution to the broader voter education/voter information campaign was measured both through a review of primary election data and post-election program evaluation. These revealed that despite some tensions between NDI, the UNDP, and the CNE during the electoral campaign, the partnership worked well in general. The overall campaign, in which other institutions and NGOs played a role, was credited with reaching millions of Mozambican voters with information about voter registration and voting that contributed to very high registration and voting rates, and low rates of ballot spoilage. For example, approximately 6.1 million voters registered. Of this number, 88% of eligible voters participated in elections that were declared "free and fair."¹¹⁵ NDI was credited for preparing materials that addressed Mozambican audiences in simple, direct, and accessible ways, and for developing a cadre of skilled trainers. Several of the trainers NDI used in 1994 formed an organization—AMODE, the Mozambican Association for Development of Democracy—which continued to work in voter education and civic education preceding the 1998 elections and expanded its activities to include public advocacy.¹¹⁶

The Mozambique example offers two valuable lessons: First, if the intent of the donor agency is to legitimize an election outcome, a blitz of voter information/education messages delivered through a variety of mechanisms and utilizing partnerships between election authorities and non-governmental organization can contribute to a successful outcome—a valid election. Secondly, market data -- in this case based on information collected from focus groups -- can provide important insights to the ways in which the target audience receives and absorbs information. At the same time, the success of this intervention in terms of the immediate, ie. political, goal of legitimizing the election must also be distinguished from aims to institutionalize the electoral system. Specifically, such efforts raises clear questions

about the sustainability of the electoral process without massive donor intervention. For example, the 1998 local elections in Mozambique were marred by manipulation of the election law and administrative bodies, a political boycott, extremely low voter turn-out, and restrictions on election observers. With respect to low voter turn-out, observers cited voter disillusionment, a poor understanding of the roles and responsibilities of local government in addition to the affects of the boycott.¹¹⁷

Assistance to Consolidating Elections – Using Local Partners: To be effective, voter education requires a reasonable grasp and understanding of local culture, norms, and practices. It is not usually susceptible to a simple "technical fix" (such as provision of secure ballot paper, indelible ink, voting booths, temporary information systems) but requires insight into the way people think, absorb, and process information. Where they exist and since they are part of the society, local implementing organizations usually have distinct advantages in this regard. In circumstances where foreign implementing organizations nevertheless are deemed to be the best option for leading or the only option for carrying out broad-based voter information initiatives, there are a number of options available to ensure the cultural appropriateness of their messages. USAID's main partner organizations, IFES, NDI, and IRI, have customarily relied on information provided by local staff and partner organizations. This information is largely anecdotal, however, and thus runs the risk of bias toward particular groups such as intellectuals, urban dwellers, or a particular ethnic or linguistic group. Additional personnel, particularly if they help to broaden the partner organization's diversity, may be brought in to work on a specific elements of the voter information and education intervention, particularly if those are targeted to certain segments of the population.

A major advantage to utilizing official or non-governmental local organizations, either directly

¹¹⁵ See MSI case study on Mozambique.

¹¹⁶ Michael Turner, Sue Nelson, Kimberly Mahling Clark, *Elections and Democratization in Mozambique (draft)*.

¹¹⁷ Taken from the MSI case study on Mozambique.

or as a partner to a foreign implementing organization, is their greater understanding of the target audience and programming environment. For example, they are likely to be more familiar with cultural norms and societal expectations, literacy rates, the geographic distribution of minority groups, as well as religious, linguistic, and gender considerations that affect participation in voting. The frustrations experienced by the international community under the auspices of the United Nations in Cambodia illustrate the gulf that often exists between foreign implementing organizations and the local electorate.¹¹⁸ Voter information/education specialists soon found that the basic vocabulary it used to explain democratic voting practices did not exist in the Khmer language. While implementers attempted to develop special words and phrases for this purpose, they subsequently found that voters became confused when these words and phrases were used without explanations. At an operational level, UN officials developed informational materials instructing people to place a cross over their candidate of choice on the ballot, before realizing that to Cambodians, a cross was associated with rejection. This approach was subsequently changed to advocate the use of a check mark. Unfortunately, rural Cambodians had no idea what a check-mark was and had to be educated on this point before they could be acquainted with how to use it on the ballot.

During breakthrough elections or where there is little capability in local NGOs or government organizations, it may be advantageous to use local public relations/marketing agencies or media firms. Through their other work, these organizations have developed demographic information about the population that will enable them to successfully craft and disseminate messages. These firms can also guarantee a level of professionalism and quality frequently beyond what most electoral authorities or NGOs are capable of delivering. A successful

intervention employing this model was the voter information/education campaign developed by IFES for the parliamentary and municipal elections in Montenegro in 1998. Through a competitive bidding process, IFES selected a commercial marketing agency managed by a group of Montenegrins which was able to tailor messages to the different demographic groups within Montenegro (e.g. more conservative voters, young people, ethnic Albanian communities, etc.) through a diversified and carefully targeted campaign. The television component of the campaign, in particular, was praised by various government officials - who were initially apprehensive about the prospects of foreign sponsored television ads -- for its cultural appropriateness . . . for speaking directly to the “soul of the Montenegrin people”¹¹⁹.

There has been a growing recognition among IFES and the party institutes of the importance of polls and focus groups to assess the attitudes and awareness of voters at various points throughout the electoral process. These produce data that is directly applicable to the design and implementation of voter information/education programs, but tend to be expensive. In some cases, programs can make use of research previously commissioned by USAID regarding democratic attitudes and values, as has been done in Latin America for the past five years. In some contexts, such data -- either in the form of demographic information or survey results -- may be collected by the host government, local marketing firms, or political parties. Due caution may be advised, however, as the quality of the scientific method applied and validity of results or neutrality of findings may be in question. In addition, data collected for other purposes may not provide the level of detail required for a voter information/education campaign

In certain contexts where sufficient USAID investment or coordinated interventions by several foreign and/or multi-lateral organizations are not feasible, it may be possible to develop

¹¹⁸ See Tim Meisburger, *Developing Democracy: Conducting Voter Education in Developing Countries*, The Asia Foundation: Washington, DC, 5 May 1997 (draft).

¹¹⁹ Taken from an unpublished project reports on technical election assistance to the Republic of Montenegro prepared by Catherine Barnes for IFES: Washington, DC, July 1988.

creative solutions to cover costs. Developing strategic partnerships with the private sector can improve the prospects of sustainability for NGOs or electoral authorities active in non-partisan voter information/education campaigns by bringing in new funds. For example, in Russia, USAID provided partial funding for IFES' work with a local NGO to develop a get-out-the-vote (GOTV) youth program. The NGO, New Perspectives, created a program called "Vkloochis" ("plugged in") for national and local elections which included television programs, promotional materials, and special events to encourage young people to vote. The program utilized a network of youth clubs around the country to reinforce mass media messages and was conducted in cooperation with election commissions, government authorities, media companies, and other NGOs. It was then able to garner financial and in-kind support from the public and private sectors in Russia including Mary Kay Cosmetics, Compaq Computers, Coca Cola, for its activities, which contributed greatly to its sustainability.¹²⁰ A similar program was initiated in Slovakia with financial and in-kind support from individuals, businesses, and international organizations such as IRI:

Box 4b: Diversified Funding Gets the Message Out to A Constituency for Change in Slovakia

Rock Volieb, organized by the Slovak Foundation for a Civil Society and modeled after the American "Rock the Vote" campaigns sought to overcome a widespread belief among young people that their vote didn't matter. *Rock Volieb* was able to raise \$130,000 and in-kind contributions valued at more than \$2 million. International rock stars and Slovak athletes donated their time for public services announcements that aired on television, radio, and in movie theaters. The campaign included a cross-country bus tour, free rock concerts, and a cutting edge web site. On election day,

MTV Europe aired *Rock Volieb's* public service announcements. IRI contributed polling data to the effort. While analysts in Slovakia didn't believe that change was possible or that young people would respond, IRI's data showed that youth could be a major constituency for change. Ultimately, voter turnout was the key for the Slovak opposition. With a turnout of 85%, including 240,000 first time voters, two-thirds cast ballots in favor of democratic change. Young people voted overwhelmingly for the opposition. The success of *Rock Volieb* has been attributed to its nonpartisan approach and its appealing message to young people that "voting is cool."¹²¹

Openings to pursue the types of strategic partnerships successfully used by *Vkloochis* and *Rock Volieb* will depend largely upon the relative health of the local economy and a legal and business environment that attracts foreign investors.

Assistance to Consolidating Elections –

Building Local Capacity: Even if they receive external assistance, the ultimate responsibility for providing voter information/education to the electorate and society in general rests with election authorities, non-governmental organizations, educational institutions, political parties, or some combination thereof. Within the civil society sector, NGOs with specific expertise in voter information and education may exist. Such activities have been carried out by entities with clear and broad-based constituencies such as religious organizations, labor unions, women's groups, and cooperatives or community development associations. Largely, though by no means always, these groups strive to perform their educational duties and provide information free of partisan bias. Political parties also seek to inform voters about the process of voting and the candidates they should back. Generally this information is not

¹²⁰ *Elections Today*, Vol. 6, No. 3, Fall 1996, International Foundation for Election Systems: Washington, DC, 1996.

¹²¹ For more information on this program see "Democracy's People - Marek Kapusta," in the IRI Newsletter, Winter 1998, International Republican Institute: Washington, DC, p. 4.

politically neutral -- it is usually pointed toward the party's interests and targeted to segments of the population either leaning toward supporting the party or the as yet undecided. Nevertheless, it can have a positive effect on overall voter knowledge.

With respect to election authorities and non-governmental organizations, USAID and its implementing organizations have worked with both, either separately or jointly. When the objective is to help legitimize the election outcome, foreign interventions may be essential if local entities are to conduct voter information/education. Usually, these entities whether official or non-governmental will not have the resources to conduct such programs. With respect to election commissions, they may -- despite inadequate funding -- have a legal mandate to undertake voter information/education. They are also the institutions most knowledgeable about the legal framework governing elections and administrative procedures. Through their nationwide structures and access to state-owned media outlets, they may be the best positioned to reach the largest number of voters; conversely, they may be woefully ill-equipped to do so.

Decisions about whether to use local non-governmental organizations to implement voter information or education programs are often influenced by the relative capabilities and image of election institutions. Rightly or wrongly, USAID may perceive election authorities to be biased or incapable of carrying out a non-partisan voter information/education campaign. For instance, in the Dominican Republic, USAID had a negative experience working with the Electoral Tribunal in the strongly criticized 1994 presidential elections. Consequently, for the 1996 presidential elections, USAID decided to funnel electoral assistance through non-governmental organizations and to exhibit a much less public presence in the election campaign. One of USAID's local NGO partners conducted an election information campaign through the mass media. The election was characterized by high participation rates and was generally thought to be free of the fraud that had marred the 1994 election. USAID's decision to

work through non-governmental organizations was considered a success by Dominican observers as well as by USAID itself.¹²²

As civil society has developed at different rates and in widely varying conditions, care must be exercised in selecting local implementers. Experience has shown that local organizations should be carefully vetted to ensure their capacity, independence, and neutrality. Criteria for evaluating an organization might include the strength of its management, its technical capacity, the extent and quality of its grassroots network, and its access to those in power. In Central and Eastern Europe and the former Soviet Union, where the concept of civil society is quite foreign, nascent NGOs have frequently been given responsibility for a range of electoral programs, including voter information/education, beyond their capabilities. Consequently these programs have met with mixed success. In contrast, in Latin America, where there is a well-developed civil society, the success of such interventions has been more marked.

Where capacity of local resources in either non-governmental or government institutions for delivering voter information/education programs needs augmenting, USAID's international partners have employed training of trainers to prepare cadres of local experts in various aspects of voter information/education. This core group is then capable of traveling to communities throughout their countries and conducting any variety of forums, whether town meetings, workshops, seminars, or social gatherings on voting rights, elections, and governance.

Where some degree of local capacity exists, there may also be opportunities to develop creative programs that go well past simple voter information messages. For instance, role playing, games, simulations, and other learning exercises are useful to walk prospective voters through various political and electoral processes.

¹²² Marcia Bernbaum and Guillermo Marquez, "Final Evaluation of USAID/DR Strengthening Civil Society Activity," prepared for USAID/Dominican Republic, December 1, 1996.

Programs for holding mock-elections and model-parliaments have been developed for use in secondary schools and universities as a means of educating young and first time voters about the mechanics of voting and government. As part of a voter education curriculum developed by IFES, the Central Election Commission, and educators in Russia, students assumed the roles of candidates/party activists, journalists, domestic observers, special interest groups, and election administrators. Two board games were developed by IFES for a Voter Education Kit in Paraguay.

Technology permitting, hot-lines and radio and television call-in shows have become an increasingly popular means of providing direct contact between voters, election authorities, and candidates. In Georgia, INTERNEWS worked with independent television stations to produce a series of candidate debates with opportunities for viewer call-ins. They then worked with IRI and NDI to secure candidate involvement. Elsewhere in the Caucasus, IFES has produced television call-in shows featuring election authorities and election participants. In Mozambique, a hot-line set up by NDI was connected to more than 50 radio stations. In Guyana, NDI assisted the Central Election Commission set up an election information unit, which included a public hot-line.¹²³

The Honduras case study provides an example of the importance of pinpointing the appropriate implementing organization in any given programming environment and highlights a non-governmental organization that played a prominent and successful role in electoral reform. In this case, the implementing organization, AMHON, had the advantage of having a solid and self-sustaining constituency--its member municipalities--with a clear interest in the outcome of the election, a deep understanding of the political environment, and the capacity to mobilize both locally and nationally.

¹²³ Interview with Keith Jennings, National Democratic Institute for International Affairs (NDI), 18 November 1998.

Box 4c: Choosing the Right Partner in Honduras

With USAID support, the politically independent Honduran Association of Municipalities (AMHON) carried out a sustained campaign over a period of several years to create direct elections with separate ballots for municipal authorities, congressional representatives, and the President. An important element of this campaign was a series of national voter information/education programs conducted prior to the 1993 and 1997 elections.¹²⁴ Realizing that it internally did not possess the capacity to perform all the tasks associated with an election information campaign, AMHON partnered with several other organizations, including a publicity firm, a sociologist, and a survey research firm to gauge the public reaction to the messages it was producing. Despite political opposition to its efforts, culminating in an effort by the political parties to take over AMHON following the 1997 election, the organization survived and was largely credited with the adoption of reforms creating separate ballots.

USAID staff were familiar with AMHON's abilities, having supported the organization in a municipal development project prior to funding its work in the area of elections; they knew that AMHON had the potential to successfully carry out its campaign. The fortuitous combination of conditions that made AMHON's success possible may not be easily replicated. Nonetheless, the questions posed by USAID officers in Honduras are applicable to other discussions about potential implementing organizations: Does the NGO have the technical and administrative capacity to carry out the work? Does the NGO have a solid base of supporters with a clear interest in the outcome of the elections? Does the NGO have a good

¹²⁴ See the MSI case study on Municipal Council Elections in Honduras.

understanding of the political context and the connections to authorities and political figures necessary to get things done?

As the previous examples illustrate, the list of potential activities that may be part of a voter information/education campaign is long and varied and, here too, dependent upon the time and resources available. Television spots are relatively expensive and time consuming to produce; radio announcements and print advertisements less so. In some cases, USAID has required its partners to obtain commitments for free radio or television time before it would agree to approve any production costs. There are also tradeoffs that may justify higher levels of investment. The employ of a local marketing agency may significantly boost the cultural appropriateness and professionalism of media products. In addition, the nature of the intended audience should guide decisions about the methods used. Is the audience literate? Is it widely dispersed or concentrated? Does it have regular access to newspapers and other printed media? Will it respond better to humorous messages or more formal pronouncements? The answers to these and other questions enable implementing organizations to design messages and choose media with the greatest odds of success.

A. Lessons Learned and Best Practices

The experience of USAID in implementing assistance in the areas of voter information and education suggests that:

Legitimizing Assistance:

- The combination of indirect and direct methods of voter information/education appear to have a more comprehensive impact by both increasing awareness levels *and* affecting behavior.
- The use of market data, whether collected through polling or focus groups can provide important insights to the ways in which target audiences receive and absorb information.

- Similarly, partnering with indigenous marketing firms or non-governmental organizations already familiar with local customs and target constituencies can greatly enhance the efficacy of voter information/education campaigns.
- The creation of strategic partnerships between election management bodies and NGOs carrying out voter information/education activities can be particularly constructive. Election management bodies can offer access to state-owned media outlets often off limits to NGOs as well as more comprehensive and authoritative knowledge of the law. At the same time, NGOs may provide the manpower and community connections necessary to conduct a comprehensive campaign, particularly one using direct methods of voter information/education.
- Also, the formation of strategic partnerships with private sector business, whether local or foreign, provides a source of alternative and, in some cases, significant funding and enhanced expertise.
- Interventions involving targeted voter education aimed at the previously oppressed or dispossessed, such as ethnic or religious minorities, refugees or internally displaced persons, or women, have proved essential to ensuring the legitimacy of electoral outcomes.

Institutionalizing Assistance:¹²⁵

Longer term voter education and mock election programs developed jointly by government agencies responsible for election management and education and related NGOs have been particularly successful in providing comprehensive instruction to young and first time voters through the secondary school and university systems.

¹²⁵ It should be noted that as programming moves into the realm of civic education, funding for such initiatives typically comes from USIA rather than USAID.

V. THE HISTORY OF USAID ASSISTANCE

A. Overview of Mission Focus in the Democracy/Governance (D/G) Sector

Following the National Conference in 1990, it was clear that Benin was committed to undertaking a meaningful democratization process. The decision to re-establish a mission in Benin reflected USAID's approach to focus efforts in countries that had demonstrated an authentic commitment to political and economic liberalization. In December 1991, the USAID Mission in Benin was re-established.

An integral element of USAID-Benin's bilateral assistance program has been strengthened support for the Agency goal of strengthening democracy and governance (D/G). This objective is consistent with Benin's democratic turnaround in 1990, and the Government of Benin's policies in support of political and economic development. The Mission expenditures on D/G reached US\$2.3 million in 1998.

USAID priorities in D/G have focused on the promotion of a politically active civil society and support for credible and competitive electoral processes. Recently, some assistance has also been geared towards the development of parliament, under the rubric of encouraging more transparent and accountable government institutions. There is also a growing interest in the issue of decentralization, which will most likely lead to increased support.

B. Chronological Survey of USAID-Supported Programs (1991-1997)

Between 1991 to 1997, USAID provided support for approximately eight separate activities in the electoral area.

In 1991, the Washington-based African-American Institute (AAI) conducted an international observation mission of the 1991 Presidential elections, with a delegation of five observers. This team was sent in response to a

request by the Government of Benin (GOB). The GOB asked for the U.S. State Department to send an American election observation team to view and examine the elections. AAI subsequently received partial support from USAID to observe the first round of the Presidential elections. In turn, AAI also sent a delegation for the second round of the elections.

The National Democratic Institute for International Affairs (NDI) first worked with political and civic activists in Benin when it organized an election observation training seminar in November 1991. Although this program was funded by the National Endowment for Democracy (NED), it was endorsed by both USAID-Benin and the U.S. Embassy of Benin. The seminar was held in Cotonou, and was co-sponsored by the Study and Research Group on Democracy, Economic and Social Development (GERDDES-Afrique), a West African NGO. Approximately 100 participants from 12 countries in the region attended the seminar, which provided practical information to organizations interested in promoting fair elections, but unfamiliar with the basic techniques used to enhance confidence and participation in the electoral process. Workshop sessions focused on such topics as poll watching, independent vote count systems, and voter education.

Following a survey mission in early 1993, NDI and GERDDES-Afrique co-sponsored a three-part seminar series entitled, "Political Parties: the Building Blocks of Democracy" that began with a session in Cotonou in September 1994. The first seminar, entitled, "Democracy within the Political Party: What Roles for the Grassroots Activists?", was attended by approximately 60 activists from more than 15 political parties. The role of grassroots activists in political parties was examined as the first component of the seminar, with the second segment focused upon providing practical information and technical advice to Beninese political parties on topics such as party organization, democratic party structures, local fundraising, and party communications.

The second seminar in the series took place in the unofficial northern capital of Benin, Parakou, and was entitled, “Grassroots Democracy: The Role of Public Opinion in Political Parties”. Taking place in October 1994, the seminar focused on the importance of public opinion gathering in the development of party platforms for elections, and in the elaboration of public policy in general. Focus groups were emphasized as a mechanism best suited to the local political context.

“Grassroots Involvement in Election-Related Activities” was the last seminar of the series, and was held in December 1994 in Cotonou. This seminar was timed to coincide with preparations for the second round of legislative elections scheduled for March 1995. Campaign planning and voter contact strategies were the main issues on the agenda, with discussions primarily focused upon the legal environment of the elections, interpretations of electoral code, and involvement of party members in political activities.

On the domestic front, and at the request of USIS and USAID/Benin, AAI organized an Election Observation Training Program for a delegation from Benin to observe the 1994 U.S. congressional elections. Delegation members included legal experts and members of the National Assembly. The program was conducted in the Washington D.C. area, and provided the delegation with a broad background on the U.S. electoral process including campaigns, enforcement of election laws, the voting process, and the role of election officials in pre- and post-election periods.

In 1995, AAI sent a delegation to Benin to assess the pre-electoral environment, citizen attitudes regarding participation in the legislative elections, and to observe the balloting process in different provinces on the day of the election. Observers spoke with voters about the functioning of the polling process, took note of any irregularities or complaints that surfaced, and followed some ballot boxes to the polling stations to watch the vote-counting process.

GERDDES-Afrique and its non-political branch, the International Research Center on Democracy and Development (IRCD) initiated a workshop following the legislative elections of 1995. The goal of the seminar was to provide the GOB with guidance with regard to correcting the inadequacies of the electoral commission (CENA) and revising the existing electoral code. At the close of the deliberations, held in July 1995, a follow-up committee was established for the implementation of recommendations. This project, including the follow-up work, was funded as a sub-grant from NDI.

NDI began its work for the 1996 Presidential elections with an international pre-election assessment delegation, which visited Benin from February 20-25, 1996. This delegation was sent to demonstrate the interest of the international community in the democratic process underway in Benin, and to examine conditions prior to Benin’s Presidential elections on March 3. In addition, NDI sent observers to the March 3 election and the March 17 run-off, and released a final report on those elections. Africa Obota, a Beninese NGO, also participated in coordinating local observers for these elections.

As a part of the AREAF funding mechanism, AAI provided a range of assistance for the 1996 Presidential elections. Responding to a specific mission request for commodities, AAI provided the CENA with indelible ink and ballot box seals in time for the elections. AAI also worked closely with former CENA members to coordinate an extensive training-of-trainers program for citizens to carry out election observation activities.

The USAID-funded electoral assistance activities that took place from 1991 through the pre-election period in 1996 were, in hindsight, implemented in the absence of a guiding strategy or vision. While the activities described above were positive and useful in and of themselves, together they are not the sum of the various parts. Programs on the whole did not build upon one another in a strategic fashion, and lacked follow-on programs on specific topics addressed to make the transfer of knowledge/ skills more complete, and ultimately more sustainable.

It is valuable, however, to review these programs in order to get a sense of how USAID assistance in Benin has evolved since the D/G program began. In turn, it is important to note how these activities led the mission to move towards the development of a strategy for elections, which would begin to guide programming from the 1996 elections onwards. This strategy is discussed in greater detail in Section V.

VI. ELECTION OBSERVATION AND COMPLAINT RESOLUTION

A. Election Observation

Background: Election observation is a method by which the efficiency, transparency, professionalism, and integrity of campaigns and elections are judged. In advanced democracies, where the electoral process has earned public trust, multi-party election commissions are largely self-policing, and investigative journalism routes out corruption and abuse, election observation may be a redundant safeguard. In transitional societies, however, monitoring efforts by international organizations or domestic groups are often crucial to ensure a legitimate result. The Copenhagen Document of the Organization for Security and Cooperation in Europe (OSCE) outlines seven principles key to the democratic tradition of elections. In fact, monitoring is based on an underlying distrust that one or more of these principles may not be fulfilled. These are also the markers that observers consider when measuring the freeness and fairness of a given election.:

Universality refers to the existence of effective, impartial, and non-discriminatory registration procedures for both voters and candidates.

Equality requires that one's vote be given equivalent weight to that of other voters to ensure equal representation.

Fairness suggests the existence of a level playing field for all participants in the election process, but at a minimum requires voters' exposure to basic information about all contestants in an election and the fundamental issues they represent.

Secrecy can be assured only if a voter casts his/her ballot alone and in the privacy of a secure voting booth and in a manner that the marked ballot cannot be viewed upon being deposited into the ballot box.

Freedom means that voters are able to cast their ballots secure in the knowledge that their rights of freedom of expression, association, and assembly will be upheld throughout the entire election process and without fear of intimidation.

Transparency requires that all aspects of the election process be administered in accordance with the law and the ground rules for the election campaign, that must be established in an inclusive and open manner. Vote counting, aggregation, and the determination of results must also be carried out in a manner that is both visible and verifiable.

Accountability suggests that those who are elected are duly installed in office and recognize their responsibilities to the electorate.¹²⁶

Due consideration also should be given to the principle of **impartiality**, which demands that those charged with the administration of elections perform their duties in full and consistent conformity with the law. It also requires that election administrators act independently of any political party, branch of government, or other power broker.

Context for Assistance: Some consensus has developed among analysts that international donors may distinguish between four contexts in which election observation can be regarded as particularly appropriate. These include the:

- Emergence of new states as a result of de-colonization, secession, or the dissolution of federations

¹²⁶ See the OSCE/ODIHR Election Observation Handbook, Second Edition, Organization for Security and Cooperation in Europe/ODIHR: Warsaw 1997, pp. 3 - 4 and Annex A, p. 34.

- Re-constitution of war-torn societies after protracted internal conflict or civil war
- Transition from long-standing authoritarian rule to a democratic system of governance
- Recovery from serious internal tension toward a more stable situation.¹²⁷

These categories are not mutually exclusive. While the first three may be most indicative of observation in advance of a breakthrough election, the relative duration and strength of the transition may require assistance for a number of election cycles. The fourth instance may also reflect institutions or systems at risk well after a breakthrough election has occurred. In such cases, assistance is deemed crucial to stem digression. All speak to contexts in which there exists an underlying distrust in the integrity of the election process, a process that may be distorted or corrupt and -- absent monitoring -- will not produce a legitimate result.

Assistance Approaches: There are a variety of philosophies espoused and approaches employed by implementing organizations with respect to election observation. Interventions have included deployment of international observer missions and efforts to help indigenous organizations mobilize and train domestic monitors, carry out parallel vote tabulations (PVTs), or conduct media monitoring. Preparation of domestic monitors has been done through political party structures and non-governmental organizations (NGOs) depending upon their rights under the law. A host of US NGOs, among them IRI, NDI, the Carter Center, the Asia Foundation, the African-American

Institute, Freedom House, and the International Human Rights Law Group have been involved in international election observations either independently or jointly. Official delegations representing the UNDP, OSCE, and OAS also monitor elections. IRI continues to field international observer missions in certain contexts and to train political party poll watchers, while NDI is increasingly, although not exclusively, associated with the training and support of domestic monitoring efforts, including media monitoring and PVTs.

International Election Observation Versus Domestic Monitoring: The topic of election observation has become rather contentious in recent years. Arguments have been made about the relative effectiveness of international election observation missions vis-à-vis domestic monitoring efforts in a variety of contexts. Serious questions have also been raised as to whether observation on election day is particularly useful. Criticisms of international election observation include its relatively high cost, delegates' inadequate knowledge of elections laws and regulations and the domestic political situation, their short stay in-country, and the limited number of polling sites that can be covered by such delegations.¹²⁸ Concerns have also been raised that international observer missions may unwittingly validate what later are demonstrated to be flawed or rigged elections.

Experts have noted, that while the tenets of free and fair elections are clear in theory, they are less so in practice. Ambassador Harry Barnes and Dr. David Carroll of the Carter Center have remarked that:

“Election monitoring groups, faced with a wide variance across countries sometimes feel uncomfortable describing elections as ‘free and fair,’ and settle for [phrases] such as

¹²⁷ See “Towards an Integrated Approach to Election Observation? Professionalizing European Long-Term Election Observation Missions, Part I: A Syllabus for Election Observation Training,” by Arne Tostensen, Doede Faber, and Karijn de Jong, a ECDPM Policy Management Report, No. 7, September 1997 at http://www.oneworld.org/ecdpmpubs/pmr71_gb.htm.

¹²⁸ See, for example, “The Observers Observed,” by Thomas Carothers in the *Journal of Democracy*, July 1997, Washington, DC.

'legitimate expression of the popular will,' or some lesser standard.¹²⁹

Thomas Carothers of the **Carnegie Endowment for International Peace** notes a certain paradox with respect to international observation. The more experienced and professional an observer organization, the less likely it will be to give a clear-cut answer to the question: "Was the election free and fair?" This is because it is looking beyond technical conditions to the deeper political functions and context of elections in transitional environments.¹³⁰ Another critic, Stefan Mair, writing on behalf of the European Community, asserts that international observers have been known "to have contributed to the false assessment of an election by allowing themselves to be swayed by the political interests of their home countries or . . . dispatching organization."¹³¹

With respect to domestic monitoring initiatives, there are a number of advantages. Domestic groups can mobilize volunteers in large numbers, often in the thousands. They know the political culture, language, and territory in question. And their efforts are relatively cheap when compared to international observation¹³². Even if no election specific NGO exists in a given programming environment, there may still be indigenous options for monitoring. Local religious organizations and charitable or professional organizations have provided alternative vehicles for domestic monitoring. In the Philippines, Zimbabwe, Kenya, Burundi, and Malawi, for example, the church has played a valuable role in providing logistical support to monitoring efforts carried out by local NGOs and in enhancing their credibility.

¹²⁹ "Voting as a Human Right," by Harry G. Barnes, Jr. and David J. Carroll in *Elections Today*, vol. 8, no. 1, IFES: Washington, DC, Winter 1999.

¹³⁰ See "Election Observation: Roles and Responsibilities of Long-Term Election Observers, an ECDPM Working Paper, Number 22, June 1997, by Stefan Mair at <http://www.oneworld.org/ecdpmpubs/wp22-gb.htm>.

¹³¹ "The Observers Observed," by Thomas Carothers in the *Journal of Democracy*, July 1997, Washington, DC, pp. 23-27 and notes.

¹³² Ibid.

Pre-Election Monitoring: Arguments against election observation, in general, have moved from questions of whether or not violators can be "caught in the act" on election day to assertions that the outcome of elections can be manipulated long before voters go to the polls. A disproportionate emphasis on election day activities can lead to overtly favorable assessments.¹³³ As countries develop, improved transparency and accountability mechanisms make successfully stuffing ballot boxes or altering results increasingly difficult. Political entities also become more sophisticated in circumventing election laws or bending campaign rules. Constituency delimitation, signature collection in support of party slates or individual candidates, campaign contributions and expenditures, media access and coverage are only some of the components of election campaigns subject to manipulation. For example, districts may be gerry-mandered, voters may be bribed, signatures and documents may be forged, illegal funds may be raised or public offices used for overt political purposes, media outlets may be monopolized or shut down, fictitious political parties can be registered to split the vote among a certain segment of the electorate, and candidates with the same name can be presented to create confusion.

In response, a number of international and multi-lateral organizations have begun to take a longer-term view of election observation, moving from election-day monitoring to pre-election monitoring with increasing emphasis on fairness in areas such as media access or campaign finance. Since the mid-1990s, the Organization for Security and Co-operation in Europe (OSCE) has designed and put into practice a methodology for long-term observation. IRI has also developed a four-step process to better observe the entirety of the election process and has come to rely on regionally based trainers and program managers to closely monitor developments during election

¹³³ "The Observers Observed," by Thomas Carothers in the *Journal of Democracy*, July 1997, Washington, DC, p. 22.

campaigns in advance of the arrival of their international delegations¹³⁴. These refinements are extremely important as the time for international observers may not be entirely past. While their role has diminished as a host of countries move toward fully institutionalized electoral processes, particularly in Latin America and Eastern Europe, one expert warns that international observers may still be required in regions yet to embrace the democracy wave and in certain countries struggling with transition.¹³⁵

Another noteworthy development with respect to pre-election observation has been the increase in the number of media monitoring projects implemented by international organizations or domestic NGOs. Monopolization of public media outlets by ruling parties or regimes, biased news coverage, and restrictions placed on private media continue to contribute to an uneven playing field in the context of institutionalizing elections. In Slovakia, the parliamentary election law prohibited private media from covering the campaign and gave a virtual monopoly to state media outlets controlled by the ruling party. Critics viewed this as a direct violation of the free speech clause contained in the Slovak Constitution. USAID funded both NDI and the IREX group Pro-Media to conduct media monitoring throughout the campaign period and their activities and highly publicized findings were credited with placing the government in a defensive position with respect to its campaign strategy and in

constraining further efforts to limit free speech. In Mexico, NDI also supported the Alianza Civica in efforts to monitor the fairness of media coverage during the election campaign.

Assistance Under Conflict Conditions/For Breakthrough Elections:

In conflict environments, the presence of international observers may be essential to ensure the constructive participation of all political groups. They may mediate disputes, contain conflict, legitimize the outcome, and facilitate a peaceful transition of power. Very often, threats or physical attacks aimed at local activists by the ruling party, government officials, police or military forces effectively eliminate any prospect of an indigenous observation effort.¹³⁶ As such, financing an international observer mission may be the only option available to USAID under conflict conditions. The sense of fear may be so great, in fact, that the very presence of international observers is viewed as a form of security by the voters. During the legislative and local elections in Albania in the summer of 1997, for example, international observers frequently noted that there were no voters at polling sites when they arrived, but that throngs of people appeared shortly thereafter and pleaded with the foreigners not to leave until they had cast their votes. The Nicaraguan elections of 1990 provide an example of the central role international observers can play in guaranteeing that elections occur and that their outcome is accepted by the electorate and the losers:

Box 5 a: Promoting Acceptance of Results and a Peaceful Transition in Nicaragua

Prior to 1990, Nicaragua had never held an election in which the losers accepted the outcome and recognized the authority of the in-coming regime. Peaceful political change was virtually unknown and elections were largely for show. Following intensified warfare in

¹³⁴ See for example the Testimony of Lorne W. Craner before the Senate Committee on Foreign Relations Subcommittee on East Asia and Pacific Affairs, 2 October 1998, on http://www.iri.org/Asia_ME/Publications/Misc/Craner_Cambodia_Oct98.htm.

¹³⁵ In particular, Thomas Carothers suggests that international observers may be required in: select Caribbean and Central American states, Albania, Bulgaria, most of the former Yugoslavia, Burma, China, Indonesia, Vietnam, the Middle East, and many countries of the former Soviet Union and sub-Saharan Africa. For more information, see "The Observers Observed," by Thomas Carothers in the *Journal of Democracy*, July 1997, Washington, DC, p.27.

¹³⁶ This is not to suggest that such threats in violent settings are always successful. In Kenya, for example, NDI was able to support the efforts of a local NGO (BEERAM), which actually monitored violence during the election campaign.

the early 1980s, a regional peace plan, often referred to as the Arias Plan, in 1987, was signed. The plan created an environment in which a dialogue between the Nicaraguan Government and its internal and external opposition was possible. Hope for a meaningful transition began to emerge. Discussions between regional leaders soon zeroed in on the possibility of moving up scheduled elections in exchange for support in demobilizing the Contras. This proposal was agreed to by the five presidents of Central America and elections were scheduled for February 1990. Honduras offered to work with the UN and the OAS to demobilize and repatriate the Contras. The US declared strong support for the peace plan, cut off military aid to the Contras, and provided for humanitarian aid through the elections. A new election law was passed in 1989 and unprecedented invitations for election observers issued to the OAS, the UN, and subsequently the Council of Freely-Elected Heads of Government, chaired by former US President Jimmy Carter. Observers were on the ground well in advance of elections monitoring the registration process and pre-campaign period as well as the official campaign period, voting process, counting of votes, and determination of results. They were able to contain violence and resolve disputes that led one side or the other to question the freeness and fairness of the election. Their presence also built public trust in the election process, obligated the government to conduct elections as scheduled, and encouraged the opposition to remain in the race. The OAS and UN achieved significant coverage, including conflict zones. The UN undertook an analysis of election complaints and a quick count that provided early and accurate projections. The Council used the prestige of its members to actively mediate conflicts. This comprehensive approach and a constructive division of labor

contributed greatly to the success of the observation effort. These multi-lateral organizations were also in a position to facilitate a peaceful transition of power and effectively advocate for national reconciliation in the aftermath of the election. Ultimately 86% of those registered to vote cast ballots in the election. For the first time in Nicaragua's history, all the political parties that entered the election campaign completed it and all accepted the outcome. A peaceful transition was achieved.¹³⁷

Even if breakthrough elections are likely to occur in a relatively peaceful setting, international observers may play a valuable role. In such contexts, political parties and NGOs may not have the right to observe balloting or the counting of votes, or if they do, they may not have the grass-roots network, manpower, organizational ability, or expertise to carry out an effective observation effort. If a political context is still largely closed and attempts at opposition and oversight suppressed, international observers are likely to have greater access and authority. They may be better poised to publicize violations and abuses, thereby focussing international attention. Their findings may also be weighed heavily by foreign governments and multi-lateral organizations making decisions about aid packages and coveted Most Favored Nation (MFN) status or even European Union (EU) or North Atlantic Treaty Organization (NATO) membership. These can create considerable pressures on a ruling party or regime to modify its attitudes and behavior. The involvement of international observer missions as part of a larger assistance effort can also have important ramifications with respect to the morale of local democracy activists. Many of these factors came into play in the emerging democracies of Eastern Europe in the early 1990s, such as Czechoslovakia, Hungary, Bulgaria, Romania, and Albania.

¹³⁷ See "Observing Nicaragua's Elections, 1989-1990, a special report (#1) of the Carter Center of Emory University, The Carter Center: Atlanta, Georgia, 1 May 1990, pp. 12 - 15.

International missions can also help elevate NGO status, facilitate useful contacts, and highlight their activities and conclusions.¹³⁸ This may be particularly important if the government is set upon denying the utility or legitimacy of NGOs in society.

Assistance to Consolidating Elections - Institutionalizing Domestic Monitoring

Capabilities: As a country moves toward a more open political environment and institutional electoral process, the need for international observers disappears. Expanded legal rights and protections, increasingly competitive politics, and a burgeoning NGO sector provide increased opportunities for domestic monitoring. At this stage, international donors and implementing organizations can foster the viability and sustainability of domestic NGOs dedicated to election observation. This is the case even if the primary goal of the assistance is to legitimize the outcome of a particular election. Typically, assistance to local NGOs or political parties seeks to build their capacity to mobilize and train observers, effectively communicate their findings, and even expand their access and connections in a way that allows them to advocate reform. In some instances, NGOs can augment their role to include government watchdog and public advocacy functions.

Box 5b: Bulgarian Association for Fair Elections and Civil Rights

Since 1990, NDI with funding from USAID, has worked to build the organizational and programmatic capacity of the Bulgarian Association for Fair Elections and Civil Rights (BAFECR), a domestic NGO dedicated to monitoring elections and promoting democratic politics and governance. The organization has grown from a mandate of civic and voter education and election law reform to incorporate

election monitoring, including the conduct of parallel vote tabulations (PVTs), and media monitoring. Since the first free, multiparty national elections in Bulgaria in June 1990, BAFECR has been the leading domestic poll watching organization in Bulgaria. It now relies on a network of anywhere from three to ten thousand volunteers to cover approximately 80% of the country's polling sites. BAFECR's importance to the development of democracy has been recognized by the OSCE and its representatives have begun to play an important role in training leaders of other monitoring and PVT groups in transitional settings. After seven years of cooperation with NDI, BAFECR is almost fully independent. Certainly, a prolonged investment in organizational capacity building has contributed to BAFECR's success and promising prospects for sustainability.

Capacity-building efforts are extremely important to ensure the success of NGO monitoring efforts. An evaluation of local government elections in South Africa, for example, found the NGO monitoring efforts were neither consistent nor standardized. As such, information was not easily comparable. It also found that information collected by monitors was not verified and actions taken regarding problems were not recorded. All too often, information collected was not systematically analyzed or presented, nor was a formal briefing provided for election authorities.¹³⁹ One training instrument which has sought to comprehensively address this problem head-on is the NDI Handbook, *How Domestic Organizations Monitor Elections: An A to Z Guide*. This handbook goes beyond explanations, organizational tools, and comparative examples to include samples of

¹³⁸ At the same time, this should be understood as being distinct from international management or control of domestic monitoring groups. In assessing lessons learned, USAID in Africa found that domestic monitoring groups should be allowed to face their own crises and learn from their mistakes.

¹³⁹ See *There Will Be Elections: An Evaluation of the Local Government Elections in South Africa*, by Phiroshaw Camay and Anne Gordon, Co-operative for Research and Education (CORE), 1996, Chapter 13.

legal provisions empowering domestic monitors, public information and recruitment materials, standardized reporting forms, and preliminary statements and reports.

One variation on support of domestic monitoring efforts is interventions aimed at building NGO capacity to conduct parallel vote tabulations (PVT).¹⁴⁰ This term refers to a process whereby monitors record election results obtained at individual polling sites and compare them with official results.¹⁴¹ Depending upon the relative needs of comprehensiveness and speed, as well as the capabilities of the organization carrying out the PVT, an NGO may opt either to record results from all polling stations or rely on a system employing random sampling and statistics to project the outcome based on results from a limited number of polling sites. The latter is typically referred to as a “quick count.”

The value of a PVT is that it alerts officials to the fact that any form of manipulation of results during the aggregation process will be exposed. Quick counts, if their results are announced before official returns, for example, can serve to deter fraud, as was the case with the Chilean plebiscite in 1988¹⁴². Absent systemic fraud, a PVT can bolster public confidence in the integrity of results and help losing parties or candidates accept the legitimacy of the outcome. This was the case in Bulgaria in June 1990,

¹⁴⁰ Multi-lateral organizations have been known to directly administer PVTs in instances where no qualified NGO existed and where concerns were prevalent that losers would not accept the outcome of elections absent some sort of independent verification. This was done successfully by the UN and OAS in Nicaragua and Haiti in 1990.

¹⁴¹ A PVT should not be confused with exit polling or with public opinion surveys which are dependent upon the honesty of respondent answers and not actual results. As such, they are more prone to error. In many transitional countries, concerns have been raised that exit polls violate the secrecy of the vote principle.

¹⁴² For a valuable and more detailed discussion of the use of PVT in Chile to confirm the “no” vote in the military junta’s nominee for president following failed attempts to modify the constitution, see “The Virtues of Parallel Vote Tabulations,” by Larry Garber and Glenn Cowan, in the *Journal of Democracy*, April 1993, Washington, DC.

when a disappointed opposition was convinced to accept an unexpected victory by the ruling party.¹⁴³ When determining whether or not to intervene with a PVT, it should be understood this option addresses only those problems occurring during the tabulation process, not other flaws in the administration of elections. For a more comprehensive review of the electoral system, it may be necessary to combine a PVT with international or domestic monitoring efforts.

Box 5c: The NAMFREL Model for Parallel Vote Tabulation

The involvement of the National Citizens Movement for Free Elections (NAMFREL) in the 1986 presidential elections in the Philippines is typically held out as the model for comprehensive PVTs. Formed in 1983, NAMFREL already had experience in get out the vote (GOTV), public advocacy (in the area of election reforms) and election monitoring (for the 1984 legislative elections). When the Marcos regime called snap presidential elections in 1986, the organization had a grass-roots network and was well poised to conduct a PVT. With considerable help from the Catholic Church, it mobilized more than half a million Filipinos to participate in a monitoring program. NAMFREL opted to use a quick count with the intent of providing for swift release of accurate information on election results and, thus, in hopes of deterring any tampering with the tabulation process. Failing that, the quick count would provide a basis for exposing fraud and determining the rightful winner. Ultimately, the latter scenario played itself out. NAMFREL volunteers obtained results from nearly 70% of the 85,000 polling sites. The electorate, international community, and important elements of the military accepted

¹⁴³ *The June 1990 Elections in Bulgaria*, National Democratic Institute for International Affairs and National Republican Institute for International Affairs: Washington, DC, 1990.

NAMFREL's results which showed Corazon Aquino leading President Marcos. Official results indicated a Marcos victory. A military revolt supported by large segments of the public and reinforced by considerable international pressure forced Marcos to relinquish power and leave the Philippines for exile in the US less than three weeks after the election. The success of NAMFREL in this case can be considered in terms of the organization's relevant experience gained in the years preceding the presidential elections, its strategic partnership with the Catholic Church, the public and transparent nature of its activities, and the support and intervention of international observer missions (particularly when the election authority sought to revoke NAMFREL's accreditation).¹⁴⁴

To successfully achieve the goals of a PVT, as the NAMFREL example cited above, an NGO must have a high level of expertise and be unbiased in the performance of its duties. The PVT, itself, must be accurate, credible, speedy, and comprehensive. Although, as noted above, there may be some trade-off with respect to the last two attributes. A poorly administered PVT or one with political motives risks creating greater confusion and suspicion. Larry Garber, a leading US expert on election observation, warns: "The perception that results are being released for strategic purposes rather than in accordance with declared intentions may jeopardize the credibility of the entire operation."¹⁴⁵ Panama provides a case in point.

¹⁴⁴ For a more comprehensive discussion of the NAMFREL experience, see "The Virtues of Parallel Vote Tabulations," by Larry Garber and Glenn Cowan, in the *Journal of Democracy*, April 1993, Washington, DC, pp. 98-99 and *How Domestic Organization Monitor Elections: An A to Z Guide*, an NDI Handbook, National Democratic Institute for International Affairs: Washington, DC, 1995, pp. 8 and 25.

¹⁴⁵ See "The Virtues of Parallel Vote Tabulations," by Larry Garber and Glenn Cowan, in

Interestingly, the experience of NAMFREL in its follow-on to the successful PVT for the 1986 presidential election illustrates the dangers of an inadequately administered PVT and one that does not meet the necessary standard of accuracy. During the May 1987 legislative elections, NAMFREL publicly projected results that contained serious mathematical errors. Upon discovering the error, the organization promptly admitted its mistake and revised its announcement. The opposition parties, which were losing the election, were convinced that NAMFREL was involved in a plot to ensure victories for legislative candidates loyal to the President. This line of thought was pushed publicly and intensively in the post-campaign period. Ultimately, and in large part due to NAMFREL's quick response to the situation and their willingness to subject the quick count to an independent audit, a majority of the population was convinced that the error was innocent.¹⁴⁶

The experience and practice of domestic monitoring groups during the campaign is mixed and depends, in large part, upon their organizational capabilities and expertise. At some level, the leading activists of such organizations do track alleged violations during the campaign period. But, as their time and energies may be largely consumed by mobilizing and training monitors for election day and by supplementary activities such as voter education, this effort may be informal and somewhat arbitrary. Also, an interesting hybrid between international observation and local monitoring has emerged. IFES, for example, has engaged and supported efforts by regional professional associations to observe campaigns and elections. Members of the Association of African Election Authorities (AAEA) observed the December 1998 local elections in Nigeria and the Association of Asian Election Authorities (AAEA) plans to monitor the highly

the *Journal of Democracy*, April 1993, Washington, DC.

¹⁴⁶ *How Domestic Organization Monitor Elections: An A to Z Guide*, an NDI Handbook, National Democratic Institute for International Affairs: Washington, DC, 1995, p. 25.

anticipated parliamentary elections in Indonesia slated for the summer of 1999.

Another approach for domestic monitoring and technical assistance aimed at capacity building is political parties. As political systems develop, the role of political parties in policing the compliance of their counterparts is a key element in consolidating an electoral process worthy of public trust. And, in the long term, political parties may prove a more viable option than highly specialized NGOs. In Liberia, IRI met with political leaders to explain the important role to be played by parties in ensuring ballot security. It encouraged the appointment of personnel responsible for training of poll watchers. A training handbook was designed and seminars scheduled. Each of the 850 party representatives instructed by IRI subsequently trained an average of 16 poll watchers resulting in a multiplier effect of nearly 14,000 trainees deployed throughout the country on election day.¹⁴⁷ Similar training of trainers techniques have been employed by NDI in Kenya and Bosnia and Herzegovina, for example, to build the capacity of political parties to perform election monitoring functions in a consistent and comprehensive way.

B. Complaint Resolution

Background: The existence of accessible and responsive mechanisms to resolve complaints and disputes is essential to the integrity of the electoral system and the accountability of its participants. Election rights must be protected by law and disputes must be resolved fairly. Disputes must be adjudicated by competent, impartial, and independent authorities (either judicial or administrative) through application of procedures which will ensure full equality and fairness to all parties and decide disputes in accordance with clear, specific, and pre-existing laws.

Process Versus Results Oriented Complaints: Disputes and complaints may arise from an election campaign and electoral process or from

the determination of the election's results. Process-oriented complaints encompass the abridgement of the voting or participatory rights of the electorate, candidates, and political parties. Complaints and disputes in this category are considered technical violations of the law; they are complaints that do not seek to change the outcome of the election. They may center on problems with the voter registration process, registration of political parties, nomination and certification of candidates and party slates, or campaign activities ranging from media access and public events to campaign financing and conflicts of interest. They may also relate to election day activities and deal with observer access to polling sites, identification of voters, issuance of ballots, privacy of voting, ballot security, disturbances or campaigning at the polling site, counting and tabulation of votes, and the completion of official protocols of results.

Results-oriented disputes go to the heart of the outcome of elections. Dispute resolution authorities confronted with results-oriented disputes are tasked with determining the legitimacy of the complaint and the extent to which manipulation was localized (affecting results in one polling site but not the outcome of the election, itself) or systemic. The authorities' handling of such cases is extremely important as the integrity of the election process, legitimacy of the results, and authority of the winner(s) is dependent upon public confidence in and acceptance of the outcome.¹⁴⁸

Administrative And Judicial Remedy: Mechanisms and procedures for resolving election disputes are generally defined by the laws governing the election process. The primary mechanisms are administrative authority and the courts. Administrative authority for adjudicating disputes is frequently vested in election commissions or similar bodies with responsibilities for preparation, conduct, and oversight of elections. Judicial remedy for election disputes rests with the courts, or as in

¹⁴⁷ See the IRI World Wide Web site at <http://www/iri.org/Africa>.

¹⁴⁸ *Issues and Options in Resolving Disputed Federal Elections*, National Clearinghouse on Election Administration, 1990.

the case of Mexico, with specially designated election tribunals.¹⁴⁹ Different countries at varying stages in their transition may offer a variety of models for administrative and judicial remedy. A number of countries still limit petitioners to administrative remedy. In some cases, complainants must exhaust all administrative remedies before pursuing judicial remedies, while others allow for simultaneous filing of complaints with both election commissions and courts of law.

There are important potential problems inherent in limiting recourse to administrative remedies. While persons who have been aggrieved by the action or inaction of a polling site or election board can bring complaints to a superior election commission, all are part of the same administrative structure. As such, there may be an institutional incentive to deny the merits of the case or cover up wrong doing. Where election commissions are ad hoc or temporary, they may be dissolved soon, if not immediately, after the announcement of results and will thus be unavailable to hear complaints regarding election day violations or vote fraud.

Context for Assistance: The legal reform process may provide useful opportunities to expand or reinforce the rights of voters and candidates to bring forth complaints. It is also the appropriate time to deal with jurisdictional problems associated with various institutions, including courts, election commissions, and administrative authorities. If rights have been expanded as a result of legal reforms, educational efforts may be required to educate voters and political participants about how these changes affect them and about available mechanisms for pursuing grievances. In environments where an unresponsive or biased court system threatens to undermine the rule of law and the legitimacy of the election outcome, assistance may be aimed at helping complainants more effectively navigate the adjudication of grievances process and highlight judicial intransigence or malfeasance. At the

¹⁴⁹ While these are courts, they are not necessarily under the jurisdiction of the Supreme Court or other judicial authorities.

same time, a variety of internal and public pressures may be applied to ensure that legitimate complaints are dealt with in a professional and timely manner and in accordance with guarantees provided for under the law. Such interventions, however, must remain focussed on basic rights and the electoral process. Any intervention which associates too closely with a particular complainant or defendant in a case may give rise to allegations of partisanship. Complainants, particularly with respect to results-oriented cases, frequently have political motives and their case may or may not be supported by the facts.

Technical interventions often require assistance providers to stay in country beyond election day, ie. until the statute of limitations had run out regarding complaints stemming from that election. Systemic problems typically require the sustained focus and routine interaction best achieved through an on-site technical advisory capacity. USAID's decisions to invest in assistance to this area will depend upon available resources and other factors affecting the longevity and timing of the intervention. It may also require a realistic assessment of whether the threat posed to the legitimacy of elections is sufficient to require immediate attention or whether existing problems can be handled at some point in the future through broader rule of law programming.

Assistance Approaches: Interventions by the USG and its grantees, among them IRI, NDI, and IFES, in the area of the adjudication of election related grievances have been extremely limited, particularly with respect to the introduction of new approaches. Generally, dispute resolution has not been specifically targeted for election assistance interventions. Where interventions do occur, they tend to be in response to particular allegations or complaints that arise in the aftermath of elections, rather than geared to offsetting potential problem areas or improving the overall adjudication process.

¹⁵⁰ Assistance provided has usually been through legal reform efforts, institutional advice

¹⁵⁰ Interview with Chris Siddall, International Foundation for Election Systems.

to election commissions, and capacity building directed at NGOs and political parties. Short term interventions in advance of breakthrough elections may be more conducive to public information initiatives on legal rights and guarantees and possibility to monitoring and reporting on pertinent court cases. Substantive reform of legal provisions, mechanisms, and institutions with respect to the adjudication of grievances requires longer term interventions with a developmental approach. It may also require greater synergy between electoral process programming and broader rule of law initiatives. Here, some discussion has centered on creation of special courts to adjudicate election-related grievances, and the introduction of special training programs for judges handling election complaints.

Breakthrough Elections - Legitimizing the Process: The most frequent interventions have been aimed at informing participants of their rights, the law, and existing mechanisms for redress of grievances. NDI, for example, has sponsored a number of seminars in West Africa and South Africa which offered advice to political parties, candidates, and other interested persons on how to file complaints under current law. USAID has also supported some efforts to monitor court cases pertaining to election related grievances, to issue public reports on the manner in which the cases were handled and resolved, and to support pertinent litigation. In Zimbabwe, IRI worked with a local human rights group, Zimrights, to field domestic monitors for the 1996 presidential elections and advance precedent-setting electoral litigation. In Azerbaijan, NDI monitored the adjudication of grievances process and issued reports on the courts' handling of election related cases. The monitoring of court cases and the issuance of public reports or direct recommendations can place courts on notice that independent organizations are interested in impartial and just disposition of election-related cases. It can also ensure that strict observance of administrative and judicial procedures is maintained by the deliberating body.¹⁵¹ In addition, it may also

¹⁵¹ The entry of a number of countries in Eastern Europe and the former Soviet Union to a number of

encourage other participants in the electoral process to take a more active interest and role in the adjudication of grievances process. Strategic interventions with respect to litigation and adjudication may do much to foster compliance with and enforcement of the law, safeguard the rights of voters and political participants, and reinforce the accountability of election officials and the integrity of the electoral process.

Assistance to Consolidating Elections - Legal and Institutional Reform: Select initiatives, particularly in Eastern Europe and the former Soviet Union, have sought to expand jurisdiction over election related disputes to regular courts of law or to clarify confusing and often contentious jurisdictional issues. For example, IFES recommended that Ukraine's election law incorporate a mechanism for recourse to courts of general jurisdiction in addition to election commissions. This provided petitioners a choice of forums and a permanent institution better able to resolve disputes in a fair and timely manner. In Russia, IFES proposed a framework for adjudication that would require petitioners to exhaust administrative remedies before lodging complaints with the courts. Allowing simultaneous complaints with administrative and judicial bodies led to a host of jurisdictional questions that interfered with the timely and efficient handling of cases.¹⁵² It also recommended that the Central Election

multi-lateral and international bodies may provide new forums for the adjudication of electoral issues. Many of these bodies have courts that are authorized to hear petitions from citizens of member states. There is a growing consensus, for example, that the Council of Europe's Commission on Human Rights may take jurisdiction of cases by individual concerning the right to vote and the right to be elected both of which are guaranteed by the Council of Europe. To encourage the development and consolidation of national institutions, however, all administrative and judicial remedies in a country should be exhausted prior to attempts to obtain redress from international bodies.

¹⁵² See *The Election of President of the Russian Federation, 16 June 1996: A Technical Analysis with Recommendations for Reform*, by Linda Edgeworth, Robert Dahl, Catherine Barnes, and Leanne McDonald, International Foundation for Election Systems: Washington, DC, Chapter 11.

Commission no longer adjudicate media related disputes due to the extremely political nature of such cases and the CEC's inability to enforce the law consistently and comprehensively.¹⁵³ In Kazakhstan, IFES recommended modifying jurisdiction of the CEC relative to local authorities and election commissions, noting that decisions of the CEC are binding on subordinate bodies.¹⁵⁴

Assistance to Consolidating Elections -

Capacity Building: USAID has also backed some efforts to build the capacity of election commissions to better handle election related complaints. In Russia, for example, IFES was able to use its on-going technical advisory role and professional relationship with the Central Election Commission to influence its mind-set, strategy, and tactics with respect to results-oriented complaints in the aftermath of the 1996 presidential elections:

Box 5d: Election Fraud Cases in the Russian Supreme Court

In the aftermath of the 1996 Presidential Elections in Russia, a case of election fraud was brought to the Supreme Court. The complainant, a representative of the Communist Party, charged that the Subject Election Commission of the Republic of Tartarstan had doctored election results and that the CEC, upon acceptance of those results, became a party to fraud. The strategy of the CEC in this dispute was to deny the evidential value of copies of official protocols of results received by observers and candidate representatives at precinct and election commissions, thereby undermining the notions of transparency and independent verification. Its attorneys went so far as to question the integrity of the judge presiding over the

case and to verbally harass the complainant. IFES was present at four sessions of the court. Its legal advisor submitted a formal letter to the leadership of the CEC warning that the behavior of its legal counsel suggested a lack of institutional commitment to accurate counting and integrity of the announced results and to the right of participants in the electoral process to file complaints on such issues. IFES presented the argument that the CEC must concern itself with finding the truth and not defending a subordinate commission at any cost. It enumerated articles of the law, which if fully invoked, would allow the CEC to undertake its own investigation to determine whether: any breaches were committed and, if yes, where; what needed to be done to rectify the breaches; and what other legitimate interventions may be required. It further argued the legal sufficiency of certified copies of official protocols of results. Ultimately, the CEC offered its full co-operation in the investigation conducted by the Procurator General's office and corrected the Tartarstan election results. In a subsequent and similar case, the CEC replaced its legal counsel, requested a delay in the trial to allow for a thorough internal investigation, and subsequently followed the course of action outlined by IFES. The success of this intervention owes much to the long-standing relationship of mutual respect between the Russian CEC and IFES and to IFES' non-partisan orientation and its familiarity with Russian law. The private manner in which the advice was offered at the time was also deemed to be a more effectual means of changing attitudes and behavior than those aimed at publicly humiliating the commission.¹⁵⁵

¹⁵³ Ibid.

¹⁵⁴ See the Adjudication of Grievances and Recommendations Sections of IFES' *Technical Election Assessment: Kazakhstan, March 1994*, by Linda Edgeworth, Paul DeGregorio, and Amata Radewagen, International Foundation for Election Systems: Washington, DC.

¹⁵⁵ Letter to A.V. Ivanchenko, Deputy Chairman, Central Election Commission of the Russian Federation from Robert A. Dahl, Election Law Advisor, IFES.

This simple and straight-forward intervention served to facilitate the realization of voting and political rights enumerated in the law and to protect hard-won transparency and accountability mechanisms. It also succeeded in reinforcing the management and oversight responsibilities of the CEC and its institutional commitment to deter and substantively deal with improprieties by subordinate election commissions.

Some capacity building efforts have also been aimed at non-governmental organizations. With respect to ground breaking litigation, IRI's successful initiative with Zimrights leading into the 1996 presidential elections in Zimbabwe (noted above) has grown into a new program with a developmental approach. The program provides sub-grants for continued support of electoral and constitutional litigation as well as separate funding to build the public advocacy skills of NGOs. The litigation component funds the cost of actions seeking to set new legal precedents or promote changes in law, regulations, or public attitudes with the aim of strengthening, protecting, or expanding democratic rights. It also seeks to foster an enabling environment in which those rights can be exercised. Sub-grantees are responsible for selecting viable cases. Training is also provided to lawyers on the nature of democratic test cases and how best to pursue them. The NGO component focuses on building institutional capacity through education. This effort fosters awareness of the benefits of advocacy and teaches skills necessary to design and implement advocacy strategies.¹⁵⁶

C. Lessons Learned and Best Practices

In the realm of election observation and complaint resolution, USAID's experience suggests that:

Legitimizing Assistance:

- A shift in emphasis away from election day monitoring and toward campaign period and post-election monitoring has occurred as political systems and methods of manipulating electoral outcomes become increasingly sophisticated. Those interventions incorporating a longer term observation component, whether carried out by international missions or domestic monitors, have lead to more comprehensive deterrence, accurate findings, viable recommendations, and institutional credibility. Media monitoring is an outgrowth of this shift and has become an increasingly effective means addressing media access and bias in election campaigns.
- Monitoring and reporting on court cases involving process and results-oriented disputes can serve to advance the realization of voting and political rights afforded under the law. In some cases, a combined dosage of pressure on and advice to election commissions regarding the handling of such cases can also enhance transparency, accountability, and rule of law. Experience has shown that both highly publicized and behind the scenes efforts can be effective.
- Parallel vote tabulations (PVTs) can confer greater legitimacy to election processes and their outcomes, but only if implementing organizations exhibit the highest levels of accuracy, professionalism, transparency, and independence. Conversely, faulty methodology and flawed or politically manipulated data can risk undermining the legitimacy of an election and contributing to an atmosphere of confusion and suspicion. As such, donor agencies must realistically consider the capabilities and motivations of likely implementing organizations.
- The election campaign may be too late to promote (or demand) the rights and role of domestic monitors, whether non-partisan or partisan, if specific allowances do not exist in election legislation. Emphasis should be placed on helping political parties, public advocacy groups, key legislators or policy-

¹⁵⁶ See IRI WorldWideWeb site at <http://www.iri.org.Africa/ProgramD...ary>

makers secure this right at the time election legislation is being drafted or amended. If the context appears promising, however, pressure may be applied at the beginning of an election campaign, to ensure a role for domestic monitors.

constructive relationships with judicial bodies and investigators.

- Despite investments made in training and equipping domestic monitors, whether non-partisan or partisan, their abilities to lodge complaints with sound legal bases and sufficient documentation remain woefully inadequate. Short-comings in this area have contributed to the failure of political parties and NGOs to successfully engage the adjudication of grievances process.

Institutionalizing Assistance:

- Assistance intended to build the capacity of domestic monitoring organizations has not necessarily led to their sustainability, particularly in the absence of a market for such services which is typically the case. Organizations which expand their expertise to include public advocacy and other “watch dog” functions *may* be more viable. As political and electoral systems develop, public trust takes root, and contestants keep one eye clearly focussed on their competition, political parties may replace NGOs as the primary monitors of electoral freeness and fairness. As such, renewed emphasis may need to be placed on building the training capacity of political parties in this area.
- The provision of advice to election management bodies on the adjudication of grievances process is an important means of consolidating advances made through legal reform and in fostering institutional values and practices consistent with the democratic elections process. Particularly successful have been efforts aimed at teaching election commissions how to respond to and manage complaints, reinforce institutional values professionalism, accountability, and integrity, carry out fact-finding missions, fulfill a supervisory role, and develop

VII. CONCLUSION

A. Reflections on Programming

Over the past few decades, USAID and other international donors have accumulated considerable experience in the provision of electoral assistance. On-going analysis and evaluation of this experience has allowed planners to better clarify assistance objectives, identify programming contexts, diversify and tailor assistance approaches, and apply lessons learned and best practices. This process also reveals opportunities for future elections assistance. Below are some reflections on programming which emerged from the current analytical exercise. They encompass successful approaches that could be more widely applied, logical “next steps,” and some relatively new areas of engagement. Most attempt to address the challenges posed by the complex consolidation process:

Voting Rights and the Legal Framework of Elections:

- More consideration may be given to developing codes of conduct as a means of conducting peaceful elections in politically tense environments and facilitating the acceptance of the outcome of elections by all parties.
- Growing needs exist with respect to the engagement of public media outlets to assist and encourage them in the implementation of legal guarantees, particularly as they pertain to political party or candidate rights to media access and non-biased reporting. While the incentive for a political monopoly over or the reality of criminal control of state media outlets may make such engagement difficult, it is clear that a considerable, and in some cases growing, gap exists between law and practice in many transitional democracies.
- As countries move toward consolidating elections, greater opportunities may arise for comprehensive evaluation of election systems and the creation of enduring legal

frameworks. Assistance may focus on the provision of advising that enhances legal drafting skills and an understanding of comparative models for elections.

- Plans to undertake a census in certain programming environments may provide a unique opportunity to successfully assist in the process of constituency limitation.
- Alternative approaches to more direct participation in political decision-making, such as referenda, plebiscites, or constituent assemblies may be considered. And, public opinion polling may be used more routinely as a tool for demonstrating or building public consensus for political and electoral reforms.
- Opportunities also exist for assistance in the development of dispute resolution procedures for election related complaints and for strengthening electoral justice systems.

Election Management:

- As more and more countries move toward consolidating elections increased opportunities may exist for USAID to engage in interventions aimed at strategic planning, organizational management, and capabilities. Such assistance may be particularly pertinent in legal environments where legal reforms have led to the creation of permanent election management bodies or a radical redefinition of the responsibilities of existing election commissions.
- Support of election manager participation in professional associations at the regional or international levels may be an increasingly cost-effective way, ie. by pooling the resources of USAID mission in the field, to facilitate on-going experience sharing, training, and skills development. Such an approach may also provide for greater dissemination of information on lessons learned and best practices.

- The creation of permanent election management bodies with greater responsibilities combined with plummeting costs of technologies may present unique opportunities to assist in the automation of voter registration systems or the introduction of continuous registries.

Voter Education:

- USAID and its grantees may seize upon parliamentary debates on political and electorate reforms as an appropriate opportunity to initiate voter education programs. This may be particularly beneficial when changes to representational schemes, the introduction of direct elections, or the devolution of government powers are being proposed.
- Emphasis might be placed on developing a greater synergy between voter education efforts and civic education activities. Gains might also be had by coordinating public information programs on devolution of power, for example, and voter education programs for local elections.
- Voter education might also be used more effectively to reinforce investments in building the capacity of non-governmental organizations to conduct issue advocacy and public policy development.
- Voter education activities, both partisan and non-partisan, should extend beyond elections to address the accountability of those just elected. Such efforts are necessary to reinforce the notions of representative and limited government and to maximize oversight of public officials.
- The use of polling data, focus groups, and local marketing agencies has greatly contributed to the efficacy of voter education programs with respect to message development, targeting, and choice of media. If comprehensive survey work is beyond the resources of a mission or implementing organization, consideration

may be given to buying into an omnibus poll, which is considerably less expensive.

- While resources have been devoted to building the capacity of non-governmental organizations to conduct voter education programs, similar strategies and tactics need to be employed with respect to political parties and election management bodies which have a direct interest in voter education and greater prospects of sustainability.

Election Observation and Complaint Resolution:

- Increased efforts may be aimed at building the capacity of local organizations to undertake more methodical and comprehensive efforts to track, document and publicize, both through traditional media and new technologies, campaign period and post-election developments. Such assistance should not be limited to NGOs, but should also include political parties.
- Related to this, assistance in the area of media monitoring during election campaigns may prove increasingly necessary and appropriate. Media monitoring represents another opportunity for building the technical capabilities of local NGOs.
- Increased assistance may be required to train journalists to better monitor, document, and highlight violations of campaign financing rules, conflicts of interests, abuse of office for overt political means, and other corrupt practices during election campaigns. The notion that voters the right to this type of information and may base their choices at the ballot box accordingly needs to be cultivated among journalists and editorial staff. Given threats posed to journalists by big business and organized crime in some contexts, continued international engagement may be warranted.
- Continued support may be aimed at building the capacity of local NGOs, through

comprehensive organizational and technical training and commodities support, to consistently conduct accurate PVTs.

- Strategic interventions timed to coincide with the amendment of existing legislation on the adoption of new laws on elections should ensure the inclusion of language recognizing the rights and enumerating the responsibilities of international election observation missions, domestic monitoring groups, and PVT and media monitoring outfits. If such rights are not granted under the law, it may be impossible to extend them in the midst of the election campaign.
- Some consideration may be given to creating an interface between electoral process programming and rule of law initiatives, such as those that strive to introduce specialized courts, with exclusive jurisdiction over election disputes, training programs directed at judges presiding over election related cases, and legal reforms as they pertain to jurisdiction and to the institutionalization of electoral and judicial systems.
- Increased monitoring of and reporting on court cases involving process and results-oriented disputes may be constructive. Training should also be directed at political parties and NGOs to help them better lodge complaints with sound legal bases and sufficient documentation.

An enhanced emphasis may also be placed on adjudication of grievances as a component of on-site technical advising to election authorities.

Notes

References/Bibliography

- [Administration and Cost of Elections World Wide Web Site. A joint site of the United Nations, the Institute for Democracy and Electoral Assistance, and the International Foundation for Election Systems @ <http://www.aceproject.org>. Also available in CD-ROM].
- [Asia Foundation World Wide Web Site @ <http://www.asiafoundation.org>].
- Barnes, Ambassador Harry G., & Carroll, Cr. David J., (1999, Winter). Voting as a Human Right. *Elections Today*, vol. 8, no. 1., pp. 4-5.
- Barnes, C. (1998, August). Report on Technical Election Assistance to the Republic of Montenegro (unpublished report submitted to the International Foundation for Election Systems).
- Barnes, C., Finn, D., Flego, C., Parkins, T., Levaditis, A., & Argeșeanu. (1998). Republic of Montenegro: Technical Assessment of Election System Performance, Parliamentary and Municipal Elections, 31 May 1998. Washington, DC: International Foundation for Election Systems, chapters IV, VIII, and IX.
- Barnes, C., Parkins, T., Slaughenhaupt, C., & Singh, P. (1998). *Republic of Serbia: Poll Worker Training Report, Phase I*. Washington, DC: International Foundation for Election Systems.
- Bayer, T., & Maria Helena. (1993, September). Report on the Joint United Nations/International Foundation for Election Systems Mission on Electoral Process in Liberia. Washington, DC: IFES.
- Baxter, J. & Hawthorne, A. (1998, January). *Guide for the Planning and Organization of Local Government Elections in the West Bank and Gaza*. Washington, DC: International Foundation for Election Systems, p. 1.
- Bernbaum, M., & Marquez, G. (1996, December). Final Evaluation of USAID/DTR Strengthening Civil Society Activity in the Dominican Republic. United States Agency for International Development.
- Bratten, M. (1998, July). Second Elections in Africa. *Journal of Democracy*. Washington, DC: National Endowment for Democracy, pp. 51-66.
- Bratten, M., & van de Walle, N. (1997). *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*. Cambridge: Cambridge University Press, p. 13.
- Camay, P., & Gordon, A. (1996). *There Will Be Elections: An Evaluation of the Local Government Elections in South Africa*. Cooperative for Research and Education, Chapter 13.
- Carothers, T. (1997, July). The Observers Observed. *The Journal of Democracy*. Washington, DC: National Endowment for Democracy.
- Carothers, T. (1997, Autumn). The Question of Strategy. *Democratization*, 4:3, p. 110-115.
- Carter Center. *Observing Nicaragua's Elections, 1989-1990, A Special Report (No. 1)*. Atlanta: The Carter Center, Emory University, pp. 12-15.
- [Carter Center World Wide Web Site @ <http://cartercenter.org>].

- Center for Democracy and Governance, Bureau for Global Programs, Field Support and Research, US Agency for International Development. (1997, April). *Strategic Plan, 1997-2002*. Washington, DC: USAID, p. 7.
- Cooper, L. (1998, May). *Final Activity Report: Strengthening Democratic Institutions in Malawi*. Washington, DC: International Foundation for Election Systems.
- Dahl, Robert A. (1996, October). *Opportunities for Innovation in Electing Legislatures of the Russian Federation: A Comparative Review of Voting Systems*. Washington, DC: International Foundation for Election Systems.
- Decree of the President of the Russian Federation (1994, 1 November). *On the Federal Program for Improvement of Legal Culture of Voters - Citizens of the Russian Federation* (No. 558).
- Diamond, L., Linz, J., & Lipset, S. M. (1989). *Democracy in Developing Countries* (4 vols.). Boulder: Lynne Rienner.
- Dundas, C. (Ed.). *Compendium of Election Laws, Practices, and Cases of Selected Commonwealth Countries, vol. 1, part 1*. London: Commonwealth Secretariat, p. viii.
- Edgeworth, L., Dahl, R., Barnes, C., & McDonald, L. (1996). *The Election of President of the Russian Federation, 16 June 1996*. Washington, DC: International Foundation for Election Systems, Chapter 11.
- Edgeworth, L., DeGregorio, P., Radewagen, A. (1994). Technical Election Assessment: Kazakhstan, March 1994. Washington, DC: International Foundation for Election Systems.
- Edgeworth, L., Gray, S., DeBeauvoir, D., & Edgeworth, T. (1995, October). *Election Official Training in Bangladesh: Project Overview and Recommendations*. Washington, DC: International Foundation for Election Systems.
- Electoral and Administrative Review Commission. (1991, December). *Report on the Review of the Election Act 1930 - 1991 and Related Matters, vol. 1*. Queensland: EARC.
- Farr, J., Meyer A., Schowengerdt, A., & Tanner, V. (1997, August). *Refugees in Elections: the Liberian Experience*. Washington, DC: Refugee Policy Group.
- Garber, L., & Cowan, G. (1993, April). The Virtues of Parallel Vote Tabulations. *Journal of Democracy*. Washington, DC: National Endowment for Democracy.
- General Accounting Office. (1996, February). *Promoting Democracy: Progress Report on US Democratic Assistance to Russia* (GAO Publication No. GAO-NSIAD-96-40). Washington, DC: US Government Printing Office.
- Goodwin-Gill, G. S. (1994). *Free and Fair Elections: International Law and Practice*. Geneva: Inter-Parliamentary Union, pp. 1-2.
- Hawthorne, A., & Wolfe, R. (1997). *Final Report on the IFES Poll Worker Training and Parliamentary Elections in Yemen in 1997*. Washington, DC: International Foundation for Election Systems, pp. 26-54.

- Hirschmann, D., & Mendelson, J. (1995). *Managing Democratic Electoral Assistance: A Practical Guide for USAID*. Washington, DC: United States Agency for International Development, p. 42.
- Huntington, S. (1991). *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press.
- Institute for Democracy and Election Administration. (1997). *The International IDEA Handbook of Electoral System Design*. Stockholm: IDEA.
- Institute for Democracy and Election Administration of World Wide Web Site @ <http://int-idea.se>].
- International Foundation for Election Systems. (1995). *Final Evaluation and Impact Assessment: Ballot Procurement - Haiti Election Support Program* (Cooperative Agreement No. 521-0245-A-00-5019-00). Washington, DC: IFES.
- International Foundation for Election Systems (1998, November). *Final Report on the Cambodia Electoral Assistance Project, 1996 - 1998* (IQC No. AEP 5468-I-00-6003-00). Washington, DC: IFES.
- International Foundation for Election Systems. (1998, December). *Paraguay: Solidifying Democracy: Final Report on Cooperative Agreement AEP-5468-A-00-5038-00*. Washington, DC: IFES.
- International Foundation for Election Systems. (1994). *Preliminary Overview of Findings and Recommendations: A Comparison of Kazakhstan's Electoral Experience and Anticipated Problems in Tajikistan*. Washington, DC: IFES.
- International Foundation for Election Systems. (1997, July). *Report on Legal Assistance to Moldova*. Washington, DC: IFES.
- International Republican Institute. (1998, Winter). Democracies People: Marek Kapusta. *IRI Newsletter*. Washington, DC: IRI, p. 4.
- [International Republican Institute World Wide Web Site @ <http://www.iri.org>].
- [Interview with Alexander Knapp, Program Officer for Europe and Asia, International Foundation for Election Systems].
- Interview with Amy Hawthorne, Program Office for Africa and the Middle East, International Foundation for Election Systems].
- [Interview with Anthony Bowyer, Program Office for Europe and Asia, International Foundation for Election Systems].
- [Interview with Chris Siddall, Director of Special Programs, International Foundation for Election Systems].
- [Interview with Dong Nguyen, UNDP Elections Assistance Division in Mexico].
- [Interview with Dorin Tudoran, Project Director, Republic of Moldova, International Foundation for Election Systems].

[Interview with Karen Siegert, Senior Program Officer for Latin America, International Foundation for Election Systems].

[Interview with Keith Jennings, National Democratic Institute for International Affairs].

[Interview with Mark Braden, Attorney at Law].

[Interview with Particio Gajardo, Deputy Director for Latin America, International Foundation for Election Systems].

[Interview with Phylis Greenfield, Senior Advisor for Europe and Asia, International Foundation for Election Systems].

[Interview with Steve Connolly, Senior Advisor for Europe and Asia, International Foundation for Election Systems].

[Interview with Tom Bayer, Director for African and the Middle East, International Foundation for Election Systems]

Karl, T. L. (1986). Imposing Consent? Electoralism Versus Democratization in El Salvador. In Paul Drake and Eduardo Silva (eds.). *Elections and Democratization in Latin America, 1980-1985*. San Diego: Center for Iberian and Latin American Studies, Center for US/Mexico Studies, University of California, pp. 9-36.

Kimberling, W. C. (1991). A Rationale Approach to Evaluating Alternative Voter Registration Systems and Procedures. In John C. Courtney (Ed.), *Registering Voters: Comparative Perspectives* (p. 10). Cambridge: Center for International Affairs, Harvard University.

Kumar, K. (Ed.). (1998). *Post-conflict Elections: Democratization and International Assistance*. Boulder: Lynne Rienner.

[Letter for A.V. Ivanchenko, Deputy Chairman of the Central Election Commission of the Russian Federation, from Robert A. Dahl, Election Law Advisor for the International Foundation for Election Systems.

Linz, J. J. (1990, Fall). The Virtues of Parliamentarism. *Journal of Democracy*. Washington, DC: National Endowment for Democracy, pp. 84-91.

Linz, J. J. (1990, Winter). The Perils of Presidentialism. *Journal of Democracy*. Washington, DC: National Endowment for Democracy, pp. 51-69.

Linz, J. J., & Stepan, A. (1996). *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*. Baltimore: Johns Hopkins Press, p. 5.

Lipset, S. M. (1995). Introduction. In Lipset (Ed.). *Encyclopedia of Democracy*. Washington, DC: Congressional Quarterly Press.

Management Systems International (1998). *Case Study: Elections Assistance in Ghana* (draft). Washington, DC: MSI

Management Systems International (1998). *Case Study: Elections Assistance in Mozambique* (draft). Washington, DC: MSI

- Management Systems International. (1998). *Case Study: Elections Assistance in Ukraine* (draft). Washington, DC: MSI.
- Management Systems International. (1998). *Direct Election of Municipal Officials: The Case of Honduras* (draft). Washington, DC: MSI.
- Management Systems International. (1998). *Electoral Assistance in Slovakia: Coordination, Flexibility, and Creativity Under Difficult Political Conditions* (draft). Washington, DC: MSI.
- Meisburger, T. (1997, May). *Developing Democracy: Conducting Voter Education in Developing Countries* (draft). Washington, DC: The Asia Foundation.
- Miller, J., Penland, T., Plath, R., Sanchez, S., & Lansell, S. (1996). *Bosnia and Herzegovina Information Technology Mission*. Washington, DC: International Foundation for Election Systems.
- National Assembly Passes Universal Election Code. (1999, February). *Europe and Asia Report*. Washington, DC: International Foundation for Election Systems, p. 11.
- National Clearinghouse on Election Administration. (1990). *Issues and Options in Resolving Disputed Federal Elections*. Washington, DC: NCEA.
- National Democratic Institute for International Affairs. (1996). *Annual Report*. Washington, DC: NDI.
- National Democratic Institute for International Affairs (1995). *How Domestic Organizations Monitor Elections: An A to Z Guide*. Washington, DC: NDI, pp. 8, 25.
- National Democratic Institute for International Affairs. (1994). Promoting Participation in Yemen's 1993 Elections. Washington, DC: NDI.
- National Democratic Institute for International Affairs (1995). *Mozambique: Vota Mocambique, Final Report, November 1993 - November 1995*. Washington, DC: NDI.
- [National Democratic Institute for International Affairs World Wide Web Site @ <http://www.ndi.org>].
- National Democratic Institute for International Affairs/National Republican Institute for National Affairs. (1990). *The June 1990 Elections in Bulgaria*. Washington, DC: NDI/NRI.
- [National Endowment for Democracy World Wide Web Site @ <http://www.ned.org>].
- Neufeld, H. (1997, May). The Range of Advanced Technologies Available for Elections Organizations. In Carl W. Dundas (Ed.) *Let's Talk About Elections* (p. 58). London: Commonwealth Secretariat.
- O'Donnel, G. (1994). Delagative Democracy. *Journal of Democracy*, 5. Washington, DC: National Endowment for Democracy, p. 55-69.
- O'Donnell, G., Schmitter, P.C., & Whitehead, L. (eds.). (1986). *Transitions from Authoritarianism* (4 vols.). Baltimore: Johns Hopkins University Press.
- Organization for Security and Cooperation in Europe. (1997). *Election Observation Handbook, second edition*. Warsaw: OSCE/ODIHR, pp. 3-4, 34.

- Schmitter, P.C. (1995). Consolidation. In S.M. Lipset (Ed.). *Encyclopedia of Democracy*. Washington, DC: Congressional Quarterly Press, p. 295.
- Schmitter, P.C., & Karl, T. L. (1996). What Democracy Is . . . And Is Not. In Larry Diamond and Marc F. Plattner (eds.). *The Global Resurgence of Democracy* (2nd edition). Baltimore: Johns Hopkins University Press, p. 50.
- Schumpeter, J. (1943). *Capitalism, Socialism, and Democracy*. London: George Allen and Unwin, p. 269.
- Sieghart. (1983). *The International Law of Human Rights*.
- Trudel, Linda. (1998). When Should Post-Conflict Elections Be Held? *Elections Today*. Washington, DC: International Foundation for Election Systems.
- Zakaria, F. (1997). "The Rise of Illiberal Democracy." *Foreign Affairs* (November/December 1997), pp. 22 - 43.

Glossary of Acronyms and Abbreviations

AAEA	Association of African Election Authorities
AAEA	Association of Asian Election Authorities
AAI	African American Institute
ACE	Administration and Cost of Elections Project
ACEEEO	Association of Central and East European Election Officials
AMHON	Honduran Association of Municipalities
BAFECE	Bulgarian Association for Fair Elections and Civil Rights
CAPEL	Latin American Center for Electoral Support (Costa Rica)
CEC	Central Election Commission (Russia, Ukraine, and Central Asia)
CEP	Provisional Election Council (Haiti)
CNE	National Election Commission (Mozambique)
ETI	Election Training Institute (Bangladesh)
GOTV	Get Out the Vote
IDEA	Institute for Democracy and Electoral Assistance (Sweden)
IDP	Internally Displaced Person
IFES	International Foundation for Election Systems
IREX	International Research and Exchanges Board
IRI	International Republican Institute
IT	Information Technology
GAO	General Accounting Office
GEC	Ghanian Electoral Commission
MFN	Most Favored Nation Status
MSI	Management Systems International
NAMFREL	National Citizens Movement for Free Elections (Philippines)
NDI	National Democratic Institute for International Affairs
NED	National Endowment for Democracy
NGO	Non-Governmental Organization
OAS	Organization of American States
ODIHR	Office of Democracy Initiatives and Human Rights (OSCE)
OMR	Optical Mark Recognition
OSCE	Organization for Security and Cooperation in Europe
OSI	Open Society Institute
OTI	Office of Transition Initiatives (USAID)
PETA	Pre-Election Technical Assessment
PVT	Parallel Vote Tabulation
REC	Republic Election Commission (Federal Republic of Yugoslavia, Republic of Georgia)
SEC	Supreme Election Committee (Yemen)
STAE	Electoral Administration Technical Secretariat (Mozambique)
STEP	Supporting the Elections Process Project (Ghana)
TOT	Training of Trainers
TSJE	Superior Tribunal of Electoral Justice
UEC	Universal Electoral Code
UNDP	United Nations Development Program
UNEAU	United Nations Election Assistance Unit
USAID	United States Agency for International Development

Glossary of Terms

The following glossary is specifically tailored to this paper. Terms are defined within the context of campaigns and elections and related assistance programming as opposed to their broader meanings and applicability.

Accountability: A situation in which those who are elected are duly installed in elective office, recognize their responsibility to the electorate, and understand that voters retain the right to vote them out of office for failing to fulfill their obligations.

Ad Hoc Committee: A temporary commission established within a particular house of parliament, between houses of parliament, or between branches of government, eg. the legislative and executive branches, to develop new or modify existing legislation on elections.

Administrative Remedy: The redress of election related grievances by an election commission or other administrative body.

Blue Ribbon Panel: A specially constituted group of experts, often appointed or endorsed by the president, to develop policy guidelines, reform proposals, or draft language for consideration by the executive and legislative branches of government as part of the election law reform process.

Breakthrough Election: An election that serves to legitimize a regime change from autocratic, authoritarian, one-party, personal, or military rule to a constitutional government based on civilian rule and competitive elections. Also referred to as founding election or transitional election.

Cascade Training: A training of trainers (TOT) technique whereby a core group of trainers are given instruction and subsequently tasked with preparing and mentoring a secondary cadre of trainers. The secondary group would be responsible for directly training poll workers or a tertiary group of trainers.

Civic Education: The provision of on-going instruction on the fundamentals of democratic society such as constitutional limits on power, power vested in the people, separation of powers, checks and balances, transparency and accountability in government, genuine and periodic elections, and the respective roles of government, political and special interests, the mass media, the business and non-governmental sectors, and citizens.

Civil Registry: A comprehensive database that is maintained by the state and includes vital information on all citizens. Voter registries can be generated from this database.

Consolidating Election: Elections that serve to advance the process of democratization in a society that already has an elected government.

Continuous Register: A list of voters that is maintained and continually updated to include the newly eligible and those who have changed residence and to eliminate those who have died or moved away.

Enabling Legislation: Laws and statutes that clarify and define in detail the procedures, legal standards, and fulfillment of voting and political rights provided for under a constitution.

Election Law Working Group: A temporary grouping of legal experts and/or political party representatives formed either within an election management body or a parliamentary body to draft language for new legislation or develop specific proposals for modifying existing legislation on elections.

Election Management Body: Any entity, whether an election commission, judicial body, or government ministry, tasked with planning and preparations for and administration of elections and referenda.

Equality: The equivalent weight of one's vote in relationship to others to ensure equal representation.

Executive Commission: An election management body that is directly responsible for the day to day preparations for elections and which works on a full time basis.

Fairness: The existence of a level playing field for all participants in the electoral process.

Freedom: The existence of circumstances that allow voters to cast their ballots secure in the knowledge that their rights of freedom of expression, association, assembly, and movement have been upheld throughout the election process and without fear of intimidation.

Impartiality: The independent and non-partisan administration of elections in full and consistent conformity with the law.

Institutionalizing Assistance: The provision of aid based on developmental objectives and with an eye to the electoral process.

International Election Commission: An election management body in which foreign representatives are given membership or leadership to better ensure the functionality of the commission and/or the integrity of the election process.

Judicial Remedy: The redress of election related grievances by a court of law.

Legitimizing Assistance: The provision of aid based on political objectives and with an eye to the legitimacy of the result of a particular election.

Mixed Election Commission: An election management body comprised of independent and partisan members. Partisan members of the commission may either have voting rights or serve in an advisory capacity.

Parallel Vote Tabulation: A process whereby monitors record election results at individual polling sites and compare them with officials results. A PVT may record results from all polling sites in a country or use a random sample and statistics to project the outcome.

Parliamentary Committee: A permanent committee established within the parliamentary body to address issues of voting rights and political and electoral processes.

Partisan Election Commission: An election management body that has a representative mix of all political parties represented in parliament and/or contesting the election.

Periodic List: A voter registry devised anew for each election.

Permanent Election Commission: An election management body that operates on a continuous basis.

Policy Making Commission: An election management body that works on a part time basis and is responsible for setting policy for overall administration of the electoral process, writings rules and

regulations, and resolving election complaints. Day to day planning and preparations for elections are carried out by a staff secretariat.

Process Oriented Complaints: Disputes arising from the campaign and election process regarding the abridgement of the voting or participatory rights of the electorate, candidates, and political parties. These are stem from technical violations of the law but that do not go to the results.

Quick Count: A parallel vote tabulation that employs random sampling and statistics to project the election outcome based on the results from a limited number of polling sites.

Results Oriented Complaints: Disputes that go to the heart of the outcome of elections.

Secrecy: The casting of ballots by each qualified voter in the privacy of a secure voting booth and in a manner that the marked ballot cannot be viewed upon being deposited in the ballot box.

Secretariat: The full time staff of a policy making commission that is responsible for day to day administration of the electoral process.

Temporary Election Commission: An election management body that is appointed to administer a particular election and which is disbanded once election results have been finalized.

Transparency: The development of rules and regulations governing elections in an inclusive and open manner and the administration of elections and counting of votes and determination of results in a visible and verifiable way.

Voter Information: The provision of basic details about the mechanics of the election that enable qualified citizens to vote, such as information on eligibility, registration, and identification requirements, date and time of voting, location of polling sites, and the availability of special voting services.

Voter Education: The communication of broader concepts on the right to vote and on the electoral process, such as the relationship between human rights and voting and political participation, the importance of the secrecy of the ballot, markers of a free and fair electoral process and their connection to the legitimacy of the election result. This may also include information on new voting rights, such as direct election of representatives, and the roles and responsibilities of newly constituted or WORD decision-making bodies, as may occur as the result of devolution of power.

Universal Electoral Code: A comprehensive piece of legislation in which provisions governing all aspects of the election process, for example executive and legislation elections, national and municipal elections, constitutional and public referenda, campaign financing, political parties, mass media, voter registration, and administrative and civil procedures are packaged. Electoral codes, rather than distinct pieces of legislation are often used in civil law countries.

Universality: The existence of effective, impartial, and non-discriminatory registration procedures for voters and candidates.